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ABSTRACT

The Stewart B. McKinney Act of 1987 was intended to remove barriers and ensure access to education for homeless children. But despite a 1988 consent decree, the United States Department of Education (DOE) has failed to comply with its statutory duties to implement the Act, the states have also failed to implement the Act adequately, and homeless children are still being shut out of school. An extensive investigation included interviews with Federal and state officials and a 20-state survey of service providers. The following recommendations are suggested: (1) DOE should immediately comply with its obligations to distribute funds, monitor state compliance, provide technical assistance, remove limits on direct services, and report to Congress; (2) the states should take immediate, affirmative steps to comply with the McKinney Act by removing all residency requirements, expediting the transfer of records, removing burdensome documentation requirements, and providing transportation to school; and (3) the McKinney Act should be expanded to provide additional services to children who are homeless or at risk of homelessness. The following material is appended: (1) pilot projects currently funded under the Act; (2) state coordinators' appraisals of the non-regulatory guidance; (3) state plan activity; (4) evaluation of initial state plans; (5) excerpts from interviews with state coordinators regarding their understanding of program dates; (6) state coordinators' assessment of communication with DOE; (7) letter from the National Association of State Coordinators for the Education of Homeless Children and Youth (NASCEHCY) to DOE and DOE response; (8) state coordinators' suggestions to DOE; and (9) a summary of interviews with shelter providers. (FMW)

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SHUT OUT: DENIAL OF EDUCATION TO HOMELESS CHILDREN

A Report by the National Law Center on Homelessness and Poverty

May 1990

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* * *

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Executive Summary

According to recent government data, over 450,000 children are now homeless nationwide. Another two million children are "precariously housed" and at imminent risk of homelessness. And at least 28% of homeless school-aged children are not attending school.

Numerous barriers may shut homeless children out of school: residency rules that impose permanent address requirements may prevent homeless children from enrolling in school. Delays in the transference of school records, burdensome documentation requirements, and unrealistic guardianship rules may operate as additional, less obvious, barriers. And lack of transportation to school may present an insurmountable barrier for homeless children.

The Stewart B. McKinney Act, enacted in July 1987, was intended to remove these barriers and to ensure that homeless children are guaranteed access to public school. But despite a 1988 consent decree, the U.S. Department of Education, charged with implementing this mandate, has failed to comply with its statutory duties. As a result, barriers to education persist -- and homeless children are still being shut out of school.

After extensive investigation -- including review of thousands of pages of documents, interviews with scores of federal and state officials, and a 20 state survey of providers of services to the homeless -- the Center made these major findings:

1. DOE Has Failed to Implement the McKinney Act Properly. DOE has failed in each of its statutorily mandated duties:

a. Delays. Distribution of funds by DOE to state educational agencies is one year behind schedule. Fiscal year 1988 funds, appropriated by Congress in December 1987, were not fully distributed by DOE until October 1989.

b. Inadequate guidance to states. DOE has consistently failed to provide basic information on federal requirements to state education agencies. In one instance, DOE sent a memorandum to states advising them to apply for funds -- which had been appropriated by Congress eight months earlier -- just 18 days before the application deadline.

c. Limitation on direct services. Without legal basis, DOE has interpreted the statute to prohibit use of McKinney funds to actually educate homeless children. As a result, with few exceptions, badly-needed funds may only be used for administrative purposes.

d. Failure to monitor states. Despite a statutory directive -- and clear state non-compliance -- DOE has taken no action to monitor states' compliance with federal requirements.

e. Late and inaccurate reports to Congress. DOE's annual reports to Congress, required by law, have been submitted with delays of over one year. The 1990 report included state data that was altered -- at DOE's direction -- in order to minimize the number of homeless children.

2. The States Have Failed to Implement the McKinney Act Adequately. The States have also failed in implementing the Act. State plans -- the detailed documents designed to ensure that homeless children have access to public schools -- routinely omit provisions expressly mandated by the Act. And while some state plans contained thoughtful analyses of the problem and proposed concrete solutions, others were minimal at best.

3. Homeless Children Are Still Being Shut Out of School. A 20 state survey of providers of services to the homeless conducted by the Center reveals that homeless children are still being denied access to education. Of the states surveyed:

- 60% report that residency requirements are still being imposed in a manner that excludes homeless children.
- 70% report difficulties in records transfer for homeless children.
- 40% report that guardianship requirements are being imposed in a manner that excludes homeless children.
- 55% report that homeless children are being denied access to "comparable services," including school meals and special education programs.

Recommendations. The Center recommends that:

1. DOE immediately comply with its obligations under the McKinney Act, including: distribution of funds within 60 days of availability, monitoring of state compliance, provision of technical assistance to states, removal of the limitation on direct services, and timely reporting to Congress.

2. The States take immediate, affirmative steps to comply with the McKinney Act, including: removal of all residency requirements, expeditious transfer of records, removal of burdensome documentation requirements, and provision of transportation to school.

3. The McKinney Act should be expanded to provide additional services to children who are homeless as well as to children who are at risk of homelessness. These services, designed to help children escape the cycle of homelessness, include: after school programs, tutoring, school meals, and school supplies.

Introduction

Current estimates reveal that 25% of all homeless persons are children.[1/] According to the Department of Education, at least 450,000 children are now homeless across the country.[2/] Based on other government data, an even greater number -- over two million -- are precariously housed and at imminent risk of homelessness.[3/]

The most innocent victims, children are also the hardest hit by homelessness. Not only do they lack proper shelter, food, and clothing, but they are also often deprived of a tool which might enable them to escape the cycle of homelessness: education. According to a 1987 survey of eight cities across the country, 43% of homeless children did not attend school.[4/] In a 1989 report, DOE estimated that 28% of

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1/ See, U.S. Conference of Mayors, A Status Report on Hunger and Homelessness in America's Cities: 1989 at 28-29 (December 1989).

2/ 1989 Report on Department of Education Activities (Section 724(b)(2) of P.L. 100-77) and 1989 Status Report on Homeless from State Coordinators (Section 724(b)(3) of P.L. 100-77 at 7 (March 1990) [hereafter 1989 Report to Congress]. See also infra at 7.

3/ According to a 1989 report by the General Accounting Office, on any given night 68,000 children are "literally" homeless; another 186,000 are "precariously housed." According to the GAO, precariously housed persons -- doubled-up families, for example -- "could be interpreted" to fall within the McKinney Act's definition of "homeless." The GAO did not compile annual statistics, but projected an annual figure of 310,000 for children and youths housed in shelters. In addition, the GAO compiled ratios of children in shelters to precariously housed children in forty counties across the country. The Center used the average of this ratio (6.7) to project a national annual estimate of 2,077,000 precariously housed children. Adding this figure to the annual number of sheltered children yields a total of approximately 2.4 million. GAO/PEMD-89-14 Homeless Children and Youths at 10 (June 1989).

4/ Child Welfare League of America, Homeless Children and Their Families: A Preliminary Study at 2 (1987).

all homeless children and youth did not attend school.[5/] And in a 1987 survey of 104 shelters across the country, 34% reported that homeless children faced barriers that shut them out of school.[6/]

In 1987, Congress passed legislation designed to provide "critically urgent" emergency relief to the nation's homeless poor. The Stewart B. McKinney Homeless Assistance Act, signed into law on July 22, 1987, specifically provides for the education of homeless children. Title VII, Subtitle B of the McKinney Act requires that all homeless children be provided access to public school education and provides funding to states to implement this policy.

Nevertheless, despite an express congressional finding of urgent need, the United States Department of Education, the federal agency charged with implementing the new law, has been lax in doing so. On December 28, 1987, suit was filed in federal court to require DOE to comply with the congressional mandate and implement Title VII in a timely fashion. On January 21, 1988, DOE entered into a settlement agreement, stipulating to an expedited timetable for implementation.

In late 1989, the National Law Center began a follow-up investigation of DOE's implementation of the program to educate homeless children. The goal was to monitor the activities of DOE and the States since the initial suit was filed. In conducting the investigation, the Center focused on DOE's compliance with the statutory mandate. In addition, the investigation examined state implementation of the program. Finally, the Center interviewed scores of service providers across the country in order to determine whether homeless children are now being provided an education.

5/ 1989 Report to Congress at Table 3.

6/ The Center for Law and Education, Education Problems of Homeless Children at 2 (1987) [hereafter "Education Problems"].

Methodology. Through a request under the Freedom of Information Act, as well as the voluntary cooperation of DOE, the National Law Center obtained copies of documents relating to the program and its implementation from DOE. Due to the disorganization of DOE's own files, the collection of the documents requested was burdensome and time-consuming. In addition, DOE refused to make a complete response to the FOIA request. As a result, after numerous requests and searches, and the production of thousands of documents, it is still not clear whether all requested documents were turned over to the Center.

Center staff then reviewed and analyzed those documents that were made available, which included information on DOE's interpretation of the program, disbursement of funds to the States, and review of applications from the States. In addition, the documents included the States' applications and "plans" -- which are intended to be detailed proposals providing for the education of homeless children and youth that States must submit in order to receive federal funding under the program. The Center obtained and analyzed plans submitted by 49 States, the District of Columbia, and Puerto Rico.

Center staff also met with and interviewed at length DOE officials responsible for implementation of the program. In particular, Center staff met with Tom Fagan, Special Program Analyst with the Office of Policy Development and Evaluation, who has provided advice and guidance to the program since its inception. In addition, Center staff met with Francine Vinson, Director of the Education of Homeless Children and Youth Program and her predecessor, Ed Smith.

Over a period of ten days, Center staff interviewed all of the 52 state officials responsible for implementation of the program at the state level. Each official was asked the same questions regarding his or her experience with the program.

Finally, Center staff interviewed service providers in 20 states across the country to obtain information on the

current educational status of homeless children. Providers were asked whether homeless children now face barriers in entering school, in remaining in school, and in receiving the services to which they are entitled under Title VII.

This report summarizes the results of the Center's investigation and offers some recommendations to improve and expand the range of educational services available to homeless children.

I. Background

A. The Problem

The absence of education hurts homeless children in at least two ways. First, it deprives them of the stability and opportunity for growth associated with school. Already cut off from the mainstream by their homelessness, these children are further isolated when they are either unable to get into school or their schooling is discontinued. Second, it deprives them of the tools needed to break the cycle of poverty. Without an adequate education, the probability of a homeless child acquiring the skills needed to compete effectively in the job market is slim. Without an adequate education, the prospects for a homeless child, both present and future, are bleak.

The evidence is clear that many homeless children are not receiving an education. Many factors contribute to this result. Where parents and children are struggling to survive, education may become a "luxury" rather than a priority. Moreover, homeless children lack the basics essential to successful performance of school duties such as a private, quiet place to study or do "homework." But even if these inherent difficulties were to be set aside, homeless children also face other barriers that effectively deny them access to public schools.

Denial of access may take several forms. Typically, in order to attend public school, a child must be a "resident" of the relevant school district. In some cases, school districts have interpreted such rules to require a permanent address. A homeless child, by definition unable to meet this requirement, may be denied access to public schools as a result. In other cases, a child who, upon becoming homeless, moves out of the original school district may be denied access because the districts disagree as to whether the child is a resident of the original or new school district.

In addition to actual denials of access, homeless children face a host of other legal and practical difficulties. For example:

1. Transportation. Children living in the shelters or the street may be unable to obtain transportation to school.[7/]

2. Lack of Records. Homeless children may be unable to register because they are unable to obtain records promptly from a previous school district.[8/]

3. Special Education. More than other children, homeless children may require special education to compensate for academic deficits or other problems resulting from their homelessness. Yet, lengthy testing processes for entry into such programs may effectively exclude homeless children. In some cases, testing may be intentionally delayed in order to weed out homeless children.[9/]

4. Guardianship requirements. Some homeless families, hoping to spare their children the trauma of shelter life, or unable to find accommodations in family shelters, may send their children to live with friends or relatives. Yet schools may require that either a parent or a legal guardian register a child. When the parents are not nearby, and cannot afford transportation to the school, this requirement may effectively preclude homeless children from registering for school.

According to DOE, the number of school-aged homeless children in FY89 was 272,773.[10/] Roughly 40-50 percent of all

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7/ Education Problems at 2.

8/ Id.

9/ National Coalition for the Homeless, Broken Lives: Denial of Education to Homeless Children at 9 (December 1987).

10/ However, the Center using the same data arrived at a

(footnote cont'd)

homeless children are of pre-school age.[11/] All signs are that without swift, decisive action the existing educational problem is destined to grow much worse in the future.

B. The McKinney Act

Congress passed the Stewart B. McKinney Homeless Assistance Act with the intent of providing emergency aid to the nation's homeless poor. The spirit of the Act was clearly one of urgency. Both the language of the Act and its legislative history clearly indicate that Congress intended the agencies to move quickly in implementing the provisions of the law.

Title VII, Subtitle B, (entitled the "Education of Homeless Children and Youth"), was aimed at integrating homeless children into the existing public education system. The McKinney Act did not seek to create a new, separate education system for homeless children; rather it sought to assist state and local agencies in integrating homeless children into already existing programs. This policy is evident in both the Act[12/] and the legislative history.[13/]

Title VII B implements this goal in two ways. First, it guarantees homeless children access to public schools, asserting that as a matter of federal policy, states must ensure that homeless children have the same access to "a free, appropriate public education" as children who are not homeless. This provision both bars states from excluding

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(footnote cont'd)

total of over 296,000 homeless school age children. These figures are calculated from state reports sent to DOE representing the FY89 numbers of homeless children and youth.

11/ States FY89 count.

12/ Stewart B. McKinney Homeless Assistance Act, [hereinafter McKinney] 42 U.S.C. § 11431-11432 (1987).

13/ H. Rep. No. 174, 100th Cong., 1st Sess., reprinted in 1987 U.S. Code Cong. and Admin. News 441.

homeless children and places them under an affirmative obligation to ensure access by homeless children to public schools. States that have residency requirements must review and revise such requirements to ensure that homeless children are afforded access.

Second, Title VII B provides federal funds and sets up a system for states to implement this mandate. States receiving funds must establish a Coordinator of Education of Homeless Children and Youth. Each Coordinator must gather data on the number of homeless children in the state, educational problems faced by homeless children, and any difficulties in identifying the needs of such children. In addition, each Coordinator must draw up a state plan designed to address the educational needs of homeless children. Finally, each Coordinator must periodically report to DOE.

Title VII B spells out the required elements of the state plans in detail. Essentially, state plans must address and prescribe solutions to specific barriers to education experienced by homeless children. Each plan must ensure that:

(a) Local educational authorities will either continue the education of the homeless child in the original school district or promptly enroll the child in the district in which the child is actually living, whichever is in the child's best interest;

(b) Homeless children are provided services such as special education, school meals, and other services comparable to those provided to children who are not homeless;

(c) School records of homeless children are available in a timely fashion to new school districts;

(d) Procedures are in place for the resolution of disputes regarding the educational placement of homeless children.

In addition, Title VII B requires DOE to perform four duties. DOE must:

(1) review applications, including state plans, and allocate funds to States;
(2) monitor and review compliance by States;

(3) report to Congress at the end of each fiscal year; and
(4) disseminate information to the States on exemplary programs that successfully address the needs of homeless children and youth.[14/]

II. DOE's Implementation of the McKinney Act

A. Chronology

The McKinney Act was passed by Congress on June 30, 1987, and signed into law on July 22, 1987. Appropriations for implementation of the program were made available on July 11, 1987. This chronology summarizes DOE's progress in implementing the program to educate homeless children.

Fiscal Year 1987.

July 16, 1987. DOE began work on developing implementation guidelines. Rather than promulgating formal regulations, DOE decided to implement the program through the issuance of Non-Regulatory Guidance (NRG) in order to "expedite implementation of the program."[15/]

The NRG is in question and answer form. It poses an anticipated question about the application process and then answers it. According to DOE, the purpose of the NRG is to explain the requirements of the Act, while also allowing states to develop programs tailored to their particular circumstances.

August 11, 1987. A memorandum was sent by DOE to the Chief State School Officers informing them of the program and the estimated allocations and requesting the name of a state contact for the program.

14/ McKinney, 42 U.S.C. § 11432.

15/ Interview with Tom Fagan (October 12, 1989).

November 3, 1987. A draft version of the NRG application was sent out to chief state school officers, state contacts, and interested organizations for comments.

November 24, 1987. DOE sent out application packages to the States for FY87 funding. These packages consisted of a letter from DOE stating that funds were available and asking interested states to submit a signed list of assurances and a proposed budget to receive funds. DOE set April 30, 1988 as the deadline for submission of applications.

December 7, 1987. DOE sent the finalized NRG to all state contacts.

December 28, 1987. Suit was filed against DOE in federal court alleging that DOE was unlawfully delaying implementation of the program. The suit alleged that DOE's own delays, as well as the timetable it set for State implementation, had resulted in the loss of a full year of benefits under the Act.

January 21, 1988. DOE entered into a settlement in which it agreed to speed up implementation of the program.

DOE started receiving applications for fiscal year 1987 in late December 1987. Within a month of receiving the applications, the majority of states had applied. The time between receipt and approval of the applications was generally one to two weeks. But, the 1987 funds were not fully distributed until November 1988.

Fiscal Year 1988.

December 22, 1987. Congress appropriated $4.7 million in fiscal year 1988 funds for the program.

August 8, 1988. DOE sent notices to states announcing the availability of fiscal year 1988 funds and enclosing an application package. In contrast to the bare-bones FY87 applications, the FY88 application process was more complex: states were required to draw up plans in keeping with the mandate of the statute. DOE's materials, however, included neither instructions, nor any due date.

April 12, 1989. DOE sent a memorandum to all states notifying them that their applications for FY88 funds were due by April 30, 1989. The memorandum warned that states that did not meet this deadline would not receive funds. It also reminded states that had not submitted their December 31, 1988 reports to DOE containing the results of the state-wide count to do so immediately.

June 1, 1989. Francine Vinson replaced Ed Smith as director of the program. DOE sent form rejection letters to 30 states. These states were given 15 days to submit corrected plans.

The States took different amounts of time to resubmit their plans. Some did so within weeks while others took months. DOE took up to two months to review and approve the revised plans. Based on the Center's interviews, Virginia was the last plan to be approved for FY88. The Virginia plan was sent in February 28, 1989 and needed no revisions; it was approved eight months later on October 16, 1989. Hawaii is the only state which has still not submitted a plan.

Fiscal Year 1989.

September 20, 1988. Congress appropriated $4.8 million in FY89 funding for the program.

February 14-15 and 23-24, 1989. DOE held two regional technical assistance meetings. These meetings took the place of the cancelled national meeting scheduled for December 1988. The topics were the development of state plans and future data gathering.

July 11, 1989. DOE sent application packages for FY89 funds to the States. The due date was April 30, 1990.

August 16, 1989. Mary Jean LeTendre, Director of Compensatory Education, sent a memorandum to the States explaining basic issues relating to the program's funding. This memorandum explained when fiscal years begin and end, when funds appropriated in a given fiscal year should be used, when funds become available, and by when funds must be spent.

August 18, 1989. Mary Jean LeTendre sent a memorandum to the States explaining how "homeless child" is defined under Title VII.

November 7-8, 1989. DOE sponsored a conference in Washington, D.C. for all state Coordinators. At the conference, Tom Fagan announced that states could use any remaining FY88 money to fund "pilot projects" by local school districts.

In addition, in August 1989, DOE advised the States that FY89 funds could be used, on a special one-time basis, to fund pilot projects. Such projects provide after-school programs, tutoring, and other special services for homeless children (Appendix 1).

As of mid-May, DOE had received all of the FY89 applications. To date, twenty-seven have been funded.

Fiscal Year 1990.

November 21, 1989. Congress appropriated $4.99 million in FY90 funds for the program. To date, no action has been taken by DOE to distribute funds.

B. Assessment of DOE's Performance

1. Review of Applications and Distribution of Funds

a. Delays in Review

DOE's implementation of its primary responsibility of reviewing applications and allocating funds to the States was rife with delays. When questioned about the delays during his tenure as Director, Ed Smith stated that the implementation delays were due to the "nature of the bureaucracy."[16/] Yet the Center's investigation revealed long delays in the performance of even the simplest tasks. Those delays undoubtedly hampered the ability of states to establish programs and compelled homeless children to continue waiting for assistance. Some of the more egregious delays include:

16/ Interview with Ed Smith (December 4, 1989).

DOE did not send out the FY87 application packets until four months after the program was enacted. Yet the packet contained only basic information about the program, a list of assurances to be signed by state officials, and directions for states to submit a proposed budget.

DOE did not finalize its non-regulatory guidance to states until December 7, 1987, over four months after the program was enacted. Yet, this guidance consisted only of eighteen simple questions and answers about the program (Appendix 2).

DOE delayed over eight months in sending a simple notice to states alerting them that FY88 funds were available. When DOE did send the notice, it neglected to indicate any application deadline.

DOE waited until April 12, 1989, over eight months after the original notice of fund availability was sent out, to inform states that the FY88 applications were due on April 30, 1989.

DOE took an average of 3.1 months to review the state plans submitted with the FY88 applications. Twelve of the plans took over 4 months for DOE to review (Appendix 3).

b. Inadequate and Improper Review of State Plans

Of the FY88 applications which contained the States' plans, 30 were rejected by DOE. This in itself suggests that the States were not given proper guidance by DOE. But the obvious lack of communication is also demonstrated by DOE's rejection letters. These were form letters which merely cited statutory provisions with which DOE felt the States had not complied.

Moreover, the form letters gave no direction on how to correct the plan. For example, in fourteen of the thirty rejection letters, the deficiency cited was a general statement that the plan failed to meet the requirements of Section 722e of the Statute. Section 722e is one page long and outlines almost all of the required parts of a state plan.

DOE's apparent decision to leave the determination of how to correct the plan to the States with minimal guidance was completely inappropriate. Particularly given the limited guidance provided by DOE up to that point (as well as the extraordinary amount of time taken to review the state plans), a response that essentially commanded the states to "try again" can hardly be regarded as effective implementation of the law.

Not only were form letters inadequate, but they may also have been used for an improper purpose. All the form letters were sent out on the same day -- June 1, 1989. Coincidentally, this was also the day Francine Vinson started as Director. One would expect that the letters would have been staggered if they were responses to individual plans. Rather, it appears that they were a hasty sweep -- used to "clean house" rather than to hasten the review process -- perhaps to mask a long period of prior inactivity.

Finally, many of DOE's determinations appear to have been incorrect. Center staff reviewed each state plan using the Act as the basis for approval or rejection. Of the fifty-one plans reviewed, the Center rejected eighteen. Fourteen of these were also rejected by DOE, but only two were rejected on the same grounds as in the Center's review. On the whole, the Center concluded that only nineteen of DOE's fifty-one decisions were accurate (Appendix 4).

c. <u>DOE One Year Behind in Funding</u>

Like many education programs, Title VII is "forward funded." This means that funds appropriated in a given fiscal year are to be used in the following fiscal year. For example, money appropriated in FY89 is for use during FY90. The purpose of this funding method is to allow states sufficient notice to plan their activities.

This system makes funds available for a given fiscal year in the fall of the previous year. Yet under DOE's schedule, states cannot even apply for these funds until April 30 of the following year. That means that even if a state applies <u>on time</u>, it has lost ten months.

For example, FY88 funds were appropriated by Congress on December 22, 1987. These funds were intended to be distributed in 1988 for use in 1989. But under DOE's schedule, those funds were not distributed until after April 30, 1989, the application due date. Because of this built-in delay, funds lay idle for over a year. Indeed, FY88 funds were not fully distributed until almost two years after they were appropriated.

These delays continue. While DOE no longer has a backlog of applications to be processed, it is still a year behind schedule. These delays have serious consequences; they increase the chance that funds will lapse and decrease the time to use the funds to benefit homeless children. The implications are even greater when this "urgent" program is one year behind.

d. Fiscal Years and Forward Funding

Not only is funding delayed, but DOE's schedule has also resulted in complete confusion on the part of DOE itself as well as on the part of the States (Appendix 5). As a result, a number of states applied for funding at inappropriate times. An example of this is evidenced by states applying for FY90 funds when the funds had not yet been appropriated for that year.

DOE is handling the frustration and confusion surrounding fiscal years by no longer referring to funding for FY89 or FY90, but to second or third year funding. In an interview with DOE officials regarding fiscal years, we were asked to speak in terms of Year 1, 2, and 3. Likewise, many Coordinators could not answer questions unless they referred to the number year. However, the grant award letters sent to the States as well as the funding applications still refer to fiscal years. This dual system is confusing and misleading.

e. Limitations on Direct Services

The McKinney Act requires the States to use their federal grant money to carry out the federal law and policies behind the Statute as well as their state plans. The

integration of homeless children and youth is clearly the Congressional intent of Title VII, Subtitle B. However, the Act contains no indication that the money be used for administrative purposes only. Yet, the NRG explicitly states that the money cannot be used directly to educate homeless children and youth.

The result of this restriction on direct services is that money has been used by the States to perform the count of homeless children in their state, set up an office, hire a coordinator and buy office equipment. The problems implicit in restricting the use of federal funds are many, but the greatest problem is that none of the money actually reaches the children, for whose benefit the Act was created. As Joe Johnson, State Coordinator for Texas, stated at the November DOE convention, the Coordinators should refer to themselves as the "Counters of Homeless Children and Youth" rather than educators since that is actually what their job entails.

2. DOE's Failure to Monitor State Activity

DOE's obligation to monitor compliance with Title VII is clearly set forth in the statute. Its record of compliance with this obligation is minimal at best. In response to the Center's request for documents setting forth procedures for monitoring compliance, DOE stated that it had no such documents. DOE officials confirmed that the only means DOE has of monitoring is through reading state plans or annual reports. However, reading reports and state plans cannot be considered monitoring. The statute imposes a separate responsibility to monitor, distinct from DOE's duty to review state plans and reports. This duty has been completely ignored by DOE. According to Tom Fagan, DOE intends to begin monitoring state implementation of the program, by using monitors responsible for evaluation of other DOE programs. According to Francine Vinson, these evaluators will "check in on" the state Coordinators, but no effort has been made to

more specifically define their duties. Moreover, to date no monitoring program exists.[17/]

3. Late Reports to Congress

The third duty assigned to DOE by the McKinney Act is that DOE report to Congress. Specifically, Section 724(b)(2) requires the Secretary to report annually to Congress on "the programs and activities authorized by this subtitle at the end of each fiscal year." In addition, Section 722(b)(3) requires the Secretary to report to Congress on information received from the States within 45 days of receipt of that information. In turn, Section 722(d)(3) requires each state to report annually to the Secretary on the data it has compiled on homeless children and youth. An "interim" report was to be made by each state by December 31, 1987, and "final" reports were due by December 31, 1988.

These statutorily mandated deadlines were not met. DOE requested and Congress consented to delay the first report. The deadline for the States' report was changed from December 31, 1987 to June 30, 1988. However, the reports were actually submitted August 30, 1988. DOE's first report to Congress, originally due by February 15, 1988, was submitted on February 15, 1989. DOE's second report to Congress was not submitted until March 1990.

Finally, the second report contained several discrepancies. Four states showed notable differences between data submitted in their reports, and data DOE reported to Congress. For example, Washington State reported 43,625 homeless children and youth to DOE. The number reported for

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17/ The fact that this program proposes to use another program to do the required monitoring suggests an internal problem: understaffing. There is only one full time person assigned to the Education of Homeless Children and Youth Program. Perhaps DOE is making a statement about the priority, or lack thereof, it gives to this program, which is financially dwarfed by other DOE programs.

Washington State by DOE to Congress, however, was 9,355. A call to the State revealed that DOE had called Washington and said, "The accepted number of homeless children in the country is around 250,000, and there's no way that Washington alone could have one-fifth of them." The state was asked to revise its count to conform to a level more consistent with those reported by other states.[18/]

4. Communication Concerns

Numerous comments were made by State Coordinators about the quality of communications between the States and DOE. The entire program has been marred by poor communications. Whether it is poor phone communications or the lack of written updates, DOE has been negligent in its duty to keep the States abreast of what is expected from them. The problems with communication usually took one of three forms: a lack of communication, miscommunication, and inconsistent communication.

Examples of lack of communication are best seen in the lack of guidance from DOE on the proper development of state plans. The fact that states were expected to revise rejected plans with only a hint from DOE as to what was wrong demonstrates a clear breakdown of communication.

18/ Washington's count differed from many other counts in that it made an attempt to estimate the number of children in "doubled -up" situations. This number (25,823) as well as the number from "other" settings (8,454) was eliminated from the revised report. The proportion between sheltered homeless and all other situations in Washington is not inconsistent with the proportions reported by other states. The fact that DOE asked a state to alter its count reveals a disturbing preconception of the number of homeless children on the part of DOE.

Likewise, there is an unexplained difference in the number reported by Wisconsin (477) and the number reported by DOE to Congress (277). The state Coordinator could not explain why Wisconsin's number had been cut almost in half by DOE.

Almost every Coordinator interviewed listed better communication as one of their main suggestions to DOE. Some suggested monthly newsletters to update Coordinators on coming conventions, due dates, and guidelines on program implementation. Others stated increased telephone communication is necessary. Whatever the method, all agreed that stronger, more frequent communication is needed between DOE and the States (Appendix 6).

Miscommunication as well as inconsistent communication was frequently reported. Several State Coordinators said they spoke to Francine Vinson or Ed Smith, received one answer, and then discussed the problem with Tom Fagan and received a totally different answer. One State Coordinator remarked, "these folks [DOE] don't know much more about these programs than the rest of us -- so I can understand their reluctance to answer us and get pinned down to a specific position."

When DOE officials did give specific answers, they often contradicted each other or an explanation that had been sent out by DOE explaining the same program. For example, many Coordinators thought the yearly reports were due to DOE at different times (December 1, December 31, and January 1). This problem could have been remedied by a letter reminding the States when their reports were due. Inconsistent or ineffective communication hampers any program; it can cripple one that is still in its formative stages. Information must be provided to the States on a timely and consistent basis.

5. Formation of the State Coordinators' Association: Response to Lack of Guidance

At a February 1989 regional meeting, some of the Coordinators expressed frustration with the program, and particularly with its apparent focus on data collection over services. It was at this time that Tom Fagan suggested that the Coordinators form an association to address and focus on these and other issues.

In April of 1989, Joe Johnson, the Texas State Coordinator, sent a survey to Coordinators asking their opinions as to whether or not there was a need for an association of coordinators. The response to the survey showed an overwhelming consensus that an organization was needed to accomplish two things:

(1) develop better mechanisms to exchange ideas, and
(2) create a united voice to influence DOE as to how the program should be administered and reauthorized (Appendix 7).

Thirty-five states participated in the initial meeting on June 8-9, 1989. DOE did not sponsor this meeting, even though a DOE official suggested the creation of the association. The conferees did not determine the particular structure of the group, but instead focused on issues involving the state plans and other immediate concerns. They formed committees addressing the structure of the group, problem areas, and the numerous complaints about unsatisfactory communication with DOE.

The Association met officially for the first time one day prior to the November 1989 DOE convention. At this time, it approved a substantial portion of its bylaws, approved its position document, and elected officers. Also, the research committee disseminated a bibliography on issues related to homeless children and youth. According to its position paper, one of the Association's main goals is to make the program more service-oriented.

The Association's position paper also describes the problems the States are facing due to the continuation of barriers that initially prompted the enactment of Title VII. The Association specifically noted this lack of coordination between schools and shelter providers. In addition, the State Coordinators cited the following specific barriers:

o Immunizations. States that require proof of immunizations often delay enrollment while homeless children are either immunized or attempt to obtain documentation. Some

children are being kept out of school because they cannot afford the immunization and lack transportation to the clinics.

o Birth Certificates. The fact that many states require the student to present a birth certificate prior to entry presents a problem to families who are unable to pay the certificate copying fee.

o School records. Problems still exist with the transfer of records within and between districts.

o Guardianship requirements. Some school districts will not allow a child to enroll if he or she is living with someone other than a parent or legal guardian. In extreme cases, parents have felt compelled to give up legal custody of their children to get them into schools.

o Transportation. Transportation presents many problems in the day-to-day transfer of children to school, but particularly when the child exercises the option of returning to his or her home school.

The Association also suggested areas that would improve educational opportunities for homeless children and give them a real chance to succeed in school. A few examples include tutoring and remedial education services. (Suggestions made by State Coordinators to the Center are summarized in Appendix 8.)

When asked if there had been any change since the formation of the Association, Joe Johnson responded that he personally perceived improved communication between himself and DOE. However, he was not sure whether to attribute this to improved overall communications or the fact that he is the President of the Association. He said that "it is still too early to say" what impact the Association will have on DOE.

III. State Implementation of the McKinney Act

A. Responsibilities

In addition to being in charge of data collection and plan implementation, the States were also given virtually complete responsibility for deciding what data would be collected and how it would be collected, as well as how state plans would be drafted and implemented. Almost all aspects of implementation were left up to the States.

1. Creation of the Office of the Coordinator

The first mandate under the Act was to create the Office of the Coordinator of the Education of Homeless Children and Youth. The Coordinator was required by the Act to:

1) gather data on the number and the location of homeless children and youth in their state;
2) develop and carry out a state plan to ensure access to a free and appropriate education; and
3) prepare and submit an interim report to the Secretary of Education no later than December 31, 1987 and a final report no later than December 31, 1988.[19/]

A person within the state department of education from a related program such as Chapter I (a program for educationally deprived children) was often given the task of applying for the initial funds to hire a coordinator. All eligible states applied for FY87 funds, with over ninety percent doing so prior to the April 30, 1988 deadline.

2. Counting Homeless Children and Youth

Once the Coordinators were either hired or designated, work began on the count of homeless children and youth. It should be noted that because this program was new, none of the Coordinators had any previous experience in their offices. Some Coordinators had dealt with the federal government or with "at-risk" children. But few, if any, had a combination

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19/ McKinney, 42 U.S.C. § 11432(d).

of the knowledge of the problem they were confronting and the intricacies of working with the federal government for funding. Even fewer had any background counting homeless children, much less in determining how to identify and address their problems.

Further, many Coordinators had no idea how to begin to alleviate the education-related problems of homeless children. Little information came down from the federal government, and desperately needed colleague communication was not facilitated. One State Coordinator described the situation by saying she felt like the program was on the "back burner." Her feeling was that they weren't given enough information to write the plans.

3. State Plans

Title VII Subtitle B, Sections c through e outlines the general requirements of the Act. Meeting these requirements was the beginning of any plan, the framework around which a more comprehensive, tailored plan was to be built. However, instead of providing a foundation, these requirements apparently confused many Coordinators. A large number of states failed to include statutorily-mandated requirements in their plans. The quality of the state plans varied drastically. While some plans explored the problems of homeless children and youth in great detail and offered insightful approaches to the problem, others merely reiterated the requirements set forth by the NRG.

One cause of great confusion was the limitation on direct services resulting from a policy decision made at DOE. From the Coordinators' perspective, this unrealistic policy judgement posed a number of significant problems. For one, this interpretation did not consider how other existing programs were to pay for the increased number of students they would be required to handle. In addition, the view that only administrative activities were authorized by Title VII assumed that the educational problems of homeless children were already covered by existing programs. There is a contradiction

between the mandate of the Act to identify barriers to education for homeless children and the belief that existing efforts could alone address such barriers.

B. Assessment of States' Performance

While there were many parts of the application which many Coordinators found confusing, the requirements of the Statute are quite clear. Yet mandatory provisions such as the dispute resolution process, the designation of a person to make determinations about the child's placement, and the maintenance of school records were commonly left out of plans. While many state plans were rejected which should have been approved, others were obviously deficient, failing to address most or all of the basic requirements of the statute.

Although DOE often did not fully carry out its duties, some states are also open to criticism for what seems to be inadequate effort. Many of these problems derive from a lack of continuity in personnel. A number of states experienced a rapid turnover in Coordinators. In interviews, Center staff encountered at least four Coordinators who had been on the job for less than a month. Coordinators who started their jobs after the first year of the program, unless properly trained by their predecessors, had a very difficult time in keeping pace with the program.

Even with the current FY89 application, twenty-seven states missed the April 30th deadline. DOE sent letters informing them that their funds would be reallocated if the applications were not received promptly. Some of the delays experienced by DOE are attributable to the slowness of individual states in responding to deadlines.

The inconsistency of Coordinators caused a period of delay in program activity. It is highly probable that many of the problems with state plans were due to a simple lack of experience and understanding on the part the Coordinators. While there is nothing DOE can do about personnel changes on the state level, the constant lack of aid and the

unavailability of consistent and reliable information exacerbated these problems at the state level.

IV. Are Homeless Children Being Educated? A Summary of Twenty States Surveyed.

To assess the effectiveness of DOE and state implementation of Title VII of the McKinney Act, the Center surveyed providers of services to homeless persons in twenty states around the country. This survey revealed serious problems -- including clear non-compliance -- in many states. Detailed analyses of the educational status of homeless children in each state survey are attached as Appendix 9.

Overall, the survey results paint a bleak picture of the educational status of homeless children. But within each state, some important differences emerge: Almost uniformly, homeless children living in shelters are significantly better off than homeless children not living in shelters. In part, this appears to be because some states are willing to consider shelters "residences" for purposes of meeting residency requirements. But the more important reason for this difference seems to be that shelters frequently provide services -- often using volunteers and private grants -- that make it possible for children to attend school. The most important of these services include transportation to school, and tutoring programs. Shelter staff may also serve as advocates, helping children obtain school records and immunizations. In addition, shelters may provide clothing.

These private, voluntary efforts cannot -- and should not -- make up for federal and state failure adequately to implement the McKinney Act. A summary of the Center's results reveals these significant problems.

Residency Requirements. Outright residency requirements are still being imposed in 12 (60%) of the states surveyed. In one state (5%), a residency-related requirement appears to be in effect. In three states (15%) there are no residency requirements. No information on residency requirements is available for the remaining four (20%) states.

Difficulties in the Transfer of Records. Difficulty in the transfer of records imposes significant barriers in 14 (70%) of the states surveyed. No problem with record transfers is reported in two (10%) states. No information on record transfers is available in four (20%) states.

Transportation. Transportation to school presents significant problems in 15 (75%) of the states surveyed. No problem with transportation is reported in two (10%) states. No information is available in three (15%) states.

Guardianship. Guardianship requirements pose significant problems in eight (40%) of the states surveyed. No problem with such requirements is reported in one (5%) state. No information is available in 11 (55%) states.

Comparable Services. Lack of access to comparable services is reported in 11 (55%) of the states surveyed. No information is available in nine (45%) states.

Conclusion

As indicated by the Center's survey, homeless children around the country are still not receiving an adequate -- or any -- education. Despite Congress' urgent directive, the McKinney Act is clearly not being implemented. Neither DOE nor the States have taken the mandated, critically needed steps provided in the law.

Moreover, absent significant external pressure, it is unlikely that there will be any substantial changes in the program at the federal level. There are no staff changes or augmentations on the horizon. No changes in policy regarding spending or program priority within DOE are anticipated.

There are no plans to move the due date for applications up to a point preceding the start of the fiscal year. DOE is, at present, a year behind in funding. There are no indications that DOE will take any action to correct this delay.

Monitoring is planned for the coming year, but only as an afterthought to monitoring of other programs. There is no separate monitoring of the McKinney program, and there are no plans to put such monitoring into place.

The Association of State Coordinators is pressing for DOE to allow Coordinators to use funds for programs that directly educate homeless children. But once again, there is no indication that DOE has plans to change this policy, even though the policy is without basis in the statute. DOE will begin allowing for pilot projects, but these affect only limited populations.

Further, at the state level implementation is grossly inadequate and uneven at best. While some of these difficulties may be traced to the lack of guidance and leadership at the federal level, states must share in the blame as well. Yet, with few exceptions, no significant effort appears underway to improve state performance.

With the problematic FY88 applications now behind it, DOE will have more time available to work individually

with states. But the fact that so little has changed in the past, and so little change is anticipated for the future, does not bode well for any real improvement in program implementation.

Recommendations

Without permanent housing, homeless children inevitably face significant educational problems. But until this underlying problem is addressed, DOE and the States must work to eliminate barriers that now shut homeless children out of school. Many of these recommendations also reflect suggestions made by state Coordinators (See Appendix 8). The following steps should be taken:

A. DOE Implementation of the McKinney Act. DOE should implement Title VII of the McKinney Act effectively and speedily.

1. Expedite distribution of funds. The program is now one year behind schedule. DOE should revise its schedule to ensure that funds are distributed within 60 days of availability.

2. Monitoring. DOE should immediately set up a system to monitor states' implementation of Title VII. This system should include regular field visits by DOE staff to review state procedures and practices. It should include regular review of states' written policies, as well as interviews with shelter staff, parents of homeless children, and local school district officials.

3. Provide Technical Assistance. State Coordinators now face enormous difficulty in obtaining necessary information from DOE. DOE should disseminate information to states on a monthly basis concerning funding deadlines, model programs, and implementation issues. In addition, trained DOE staff should be available to provide timely, accurate information and technical assistance to states.

4. Limitation on Direct Services. DOE now prohibits states from spending McKinney funds on direct services to educate homeless children. There is no basis for this limitation and it should be removed.

5. Reports. DOE's reports to Congress have been delayed by one year. DOE should report to Congress in a timely manner.

B. State Implementation of the McKinney Act. As revealed in the Center's survey, many states are now in clear violation of the McKinney Act. These states should act immediately to:

1. Remove All Residency Requirements. No residency requirements of any sort may be imposed to bar homeless children from attending school. Merely allowing a shelter to serve as a "residence" is insufficient. Each state should make clear that all homeless children, whether living in a shelter, in a car, or on the street, have the right to attend school.

2. Ensure Expeditious Transfer of Records. All school records should be transferred expeditiously. But, homeless children should be permitted to attend school before transfer occurs; children should not be penalized for any delay in transfer.

3. Remove Birth Certificate, Guardianship, and Other Documentary Requirements. Homeless children should not be required to produce documents in order to attend school. School authorities should develop flexible alternatives to obtain any needed information. But homeless children should not be kept out of school while such information is being gathered.

4. Transportation. Without adequate transportation to school, the McKinney Act's guarantee of access to education for homeless children is meaningless. State educational authorities must ensure that transportation to school is actually provided.

C. Expansion of the McKinney Act. The McKinney Act must also be expanded to provide additional services to children who are homeless or who are at risk of homelessness.

These services will help ensure that homeless children not only have access to school, but that they also are able to obtain an adequate education while in school. Such services could help these children escape a future of homelessness.

1. After School Programs. Schools should provide after school programs for homeless children and children at risk of homelessness. Such programs could provide a critically needed quiet place for study, rest, and recreation. For children who are homeless or doubled-up, such programs may be the only chance for these activities.

2. Tutoring. Make available tutoring and other remedial help for homeless and at-risk children. Such services would help these children keep up with their school work and compensate for disruption caused by their living conditions.

3. School Meals. Provide school meals and after school meals for homeless and at-risk children. Without adequate food, homeless children face even greater difficulty in school.

4. School Supplies. Provide adequate supplies, including books, notebooks, pencils and clothing to enable homeless children to attend and fully participate in school.

Pilot Projects Currently Funded Under the McKinney Act[1/]

Arizona*

1. Court Site Elementary School District, home school visitor program. Liaison provides technical assistance between families and schools, aiding families in obtaining things such as medical aid and food. Districts sign contracts with teens promising that if they stay in school, they will be given housing.

2. One project focuses on developing a curriculum that is appropriate for homeless children. Funds make up half of the teacher's salary. A computer was donated to the project.

3. School in shelter for K-6.

Arkansas*

Three district project in Pulaski County provides counseling services, tutorial instruction, recreational activities.

California

Fifteen counties and the Los Angeles school district have very broad contracts providing a variety of services tailored to the counties' individual needs. One of their main goals is to try to assess barriers that prevent access to public schools and successfully address them.

Colorado*

Colorado has one pilot project with private tutoring and remedial education. Transportation is also provided to aid students in receiving these special services.

Florida*

Project at elementary level incorporates homeless education into Social Studies curriculum. A social worker works with shelter staff and homeless people staying in the shelter in getting permanent residence.

Massachusetts

1. Adolescent Shelter Project provides in-shelter teachers three to four times a week for children who, due to their brief stay in the district, otherwise would not receive an education during that time. This project provides an individual educational component while the child is at the shelter.

1/ These are examples, not an exhaustive list, of pilot projects being funded under the McKinney Act. Those states marked with an asterisk are using left over second year funds; other states are using -- or planning to use -- FY89 funds.

2. Volunteer Tutoring Program provides tutors for two one-hour sessions weekly.

3. In-service Workshop Project brings school personnel and shelter providers together to address the problems and needs of homeless children. Massachusetts was divided into six areas and held three workshops with another three planned.

New Hampshire

State Department of Education will use funds to examine common problems in homeless children including 15 in-depth case studies.

New York

Projects funded in the State will address problems with truancy, the high dropout rate of homeless children, problems caused by transience, and domestic violence.

Pennsylvania

Funds will be used to continue last year's programs and to examine and augment the previous year's programs which include counseling services and grade-level assessment and placement of homeless children in schools.

Tennessee*

CHANCE program funded with $50,000. Students at the Center all "have suffered some sort of emotional or physical hardship." The program tries to help with the transition to a regular school setting by providing educational support, among other services.

Texas

Project proposes that districts develop a model procedure guide to help kids get into school while avoiding stigmatizing, aiding communication between parties, maintaining sensitivity to needs, and gaining access to all services (transportation and school supplies included).

Vermont

1. Local task force helps kids in shelter with supplies, tutoring, and educational needs.

2. Out of community action agency coordinates the transition to permanent living situations. The agency which is located in one of the poorest areas of the state provides transportation to homeless children.

3. Battered women's shelter provides a comprehensive case management system for children.

4. Community action agency is working with schools and parents on educational and behavioral management programs. Dysfunctional families are aided in obtaining housing with a comprehensive approach using case management.

West Virginia

A domestic violence shelter and a community action program have both received funding to address the circumstances that adversely affect the learning potential of homeless children. Other groups are encouraged to apply for remaining funds.

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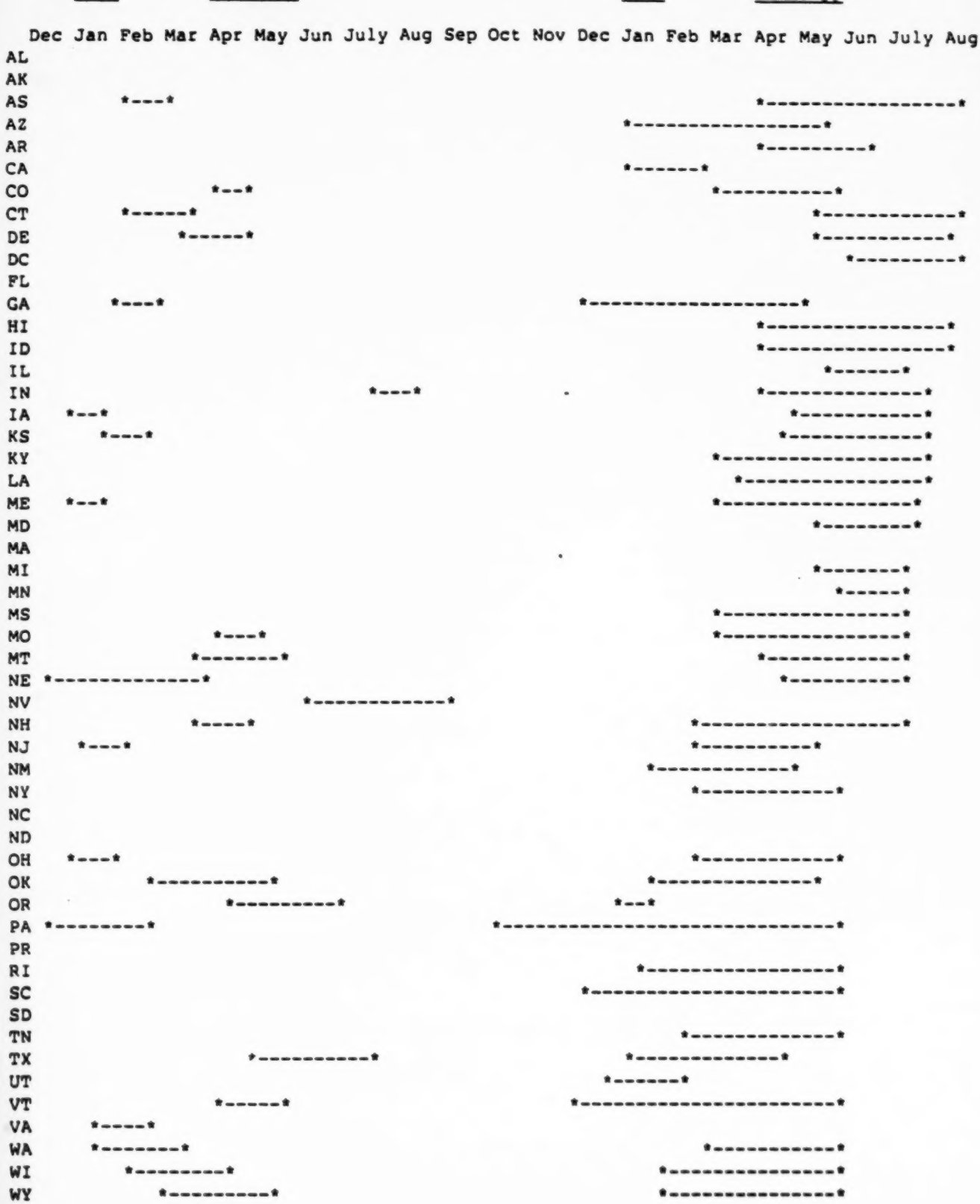
State Coordinator Appraisal of the Non-Regulatory Guidance

- The NRG was not really confusing. Now that we have the official definitions, the guidelines are a lot clearer.
- The NRG was self-explanatory. It included everything needed.
- The NRG was generally helpful, especially the guidelines defining the annual count. We were a little fuzzy about the "one time count" wording.
- The NRG was confusing and unclear. I used the McKinney Act to write our plan.
- We understood the NRG and it to write our plan.
- The guidance the NRG provided was marginally helpful. The NRG clarified some points, parts were redundant.
- We didn't understand the restriction on direct services, but thought that the NRG was clear.
- The NRG was somewhat confusing.
- I didn't know about the NRG. I did not use it to draw up our plan. I used other states' plans to help me write ours.
- The NRG did not help me as specifically as I needed. I was unsure of how to do the count. In fact no one I've spoken with understands the criteria.
- It didn't provide enough information. The NRG was not extremely helpful. It's better to just go by the law.
- The NRG was helpful. It didn't give a lot of format to follow yet it provided flexibility for what was unique to each State.
- The NRG was very helpful with specific information regarding residency requirements. We needed a bit more clarity on what was expected of the public hearings and the content of plan. We mainly relied on survey results to draw up plan.
- The problem with the NRG was with format rather than substance. The explanation should have been at the beginning rather than in the appendix at the end. For the most part, it wasn't such a problem, we used pieces of the NRG. I was disappointed that they didn't read our plan thoroughly. I think that is why we were rejected. We had to reiterate what was already there the first time. this delayed our plan quite a bit.

- The NRG was not helpful, I knew nothing about it.
- We did not use the NRG, we used the McKinney Act itself.
- We were pleased that it was non-regulatory.
- We rely on the law itself before the NRG. We follow the specific regulations of the law.
- We used it but it was not straightforward.
- The NRG was helpful in clarifying the definition of "homeless."
- The NRG clarified some things, not enough though. We had to call the DOE on a number of occasions.
- The NRG was helpful, but I felt we needed a model of what was acceptable. We used it in writing the first plan and used New Jersey and Texas as models.
- The NRG must not have been helpful if I followed it exactly and still didn't get approved.
- It was confusing - too much jargon. The EDGAR parts were confusing.
- The NRG lacked practical information. The DOE didn't really interact with the States that much in the allocation of funds or conducting of surveys. The law was much more useful. The NRG really just restated the law.
- I'm still struggling with it. I wasn't clear on what each state needed to include in its plan.

State Plan Activity[1]

(Period shown is time between submission and approval)



[1] Note: Not all dates were available at the time this report was released.

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Evaluation of Initial State Plans

	DOE		National Law Center		
State	Review Decision	Basis	Accuracy of DOE's Basis	Review Decision	Basis
Alabama	rejected	list(722e)	too broad	rejected	722e(1)(A) e(3),(4)
Alaska	rejected	722e	accurate	rejected	722e (all)
Arizona	rejected	722e	inaccurate	approved	N/A
Arkansas	rejected	722e(1)(A) 722e(6)	inaccurate	rejected	722e(1)(A) e(3),(4)
California	rejected	722e(1)(A) 722e(1)(B)	inaccurate	approved	N/A
Colorado	approved	N/A	accurate	approved	N/A
Connecticut	approved	N/A	accurate	approved	N/A
Delaware	rejected	722e(1)(A) 722e(1)(B) 722	wrong reasons	rejected	722e(1)(A) e(2)(4)
District of Columbia	approved	N/A	inaccurate	rejected	722e(1)(A)
Florida	rejected	722e(1)(B) 722e(1)(A)	inaccurate	approved	N/A
Georgia	approved	N/A	accurate	approved	N/A
Hawaii	Did not yet send in a state plan				
Idaho	rejected	722e	inaccurate	approved	N/A

	DOE		National Law Center		
State	Review Decision	Basis	Accuracy of DOE's Basis	Review Decision	Basis
Illinois	rejected	722e	inaccurate	approved	N/A
Indiana	rejected	722e	too broad	rejected	722e(1)(A,B) e(4)
Iowa	rejected	722e(1)(A) reiteration	inaccurate	approved	N/A
Kansas	rejected	722e(1)(B)	inaccurate	approved	N/A
Kentucky	approved	N/A	accurate	approved	N/A
Louisiana	rejected	722e	inaccurate	approved	N/A
Maine	rejected	722e(1)(B) 722e(1)(A) 722e(6)	inaccurate	approved	N/A
Maryland	approved	N/A	inaccurate	rejected	722e(3)-(5)
Massachusetts	approved	N/A	accurate	approved	N/A
Michigan	rejected	722e	too broad	rejected	722e(3)-(6)
Minnesota	approved	N/A	accurate	approved	N/A
Mississippi	approved	N/A	accurate	approved	N/A
Missouri	approved	N/A	accurate	approved	N/A
Montana	approved	N/A	accurate	approved	N/A
Nebraska	rejected	722e(1)(A) 722e(1)(B)	inaccurate	approved	N/A

	DOE		National Law Center		
State	Review Decision	Basis	Accuracy of DOE's Basis	Review Decision	Basis
Nevada	rejected	722e(1)(B)	missed 722e(1)(A)	rejected	722e(1)(A,B)
New Hampshire	approved	N/A	accurate	approved	N/A
New Jersey	approved	N/A	inaccurate	rejected	722e(1)(A,B) e(4)
New Mexico	rejected	722e	inaccurate	approved	N/A
New York	rejected	722e(1)(B) 722e(6) 722e(3)	inaccurate	approved	N/A
North Carolina	approved	N/A	accurate	approved	N/A
North Dakota	rejected	722e(1)(B) 722e(3-6) 722e(6)	inaccurate	approved	N/A
Ohio	rejected	722e	too broad	rejected	722e(1)(A,B) e(3),(4)
Oklahoma	approved	N/A	accurate	approved	N/A
Oregon	approved	N/A	accurate	approved	N/A
Pennsylvania	approved	N/A	accurate	approved	N/A
Puerto Rico	rejected	722e	inaccurate	approved	N/A
Rhode Island	rejected	722e 722e(1)(A)	wrong reasons	rejected	722e(4)
South Carolina	rejected	722e	too broad	rejected	722e(3)

	DOE			National Law Center	
State	Review Decision	Basis	Accuracy of DOE's Basis	Review Decision	Ba
South Dakota	approved	N/A	accurate	approved	N/
Tennessee	rejected	722e(1)(B) 722e(6)	inaccurate	rejected	722
Texas	approved	N/A	accurate	approved	N/
Utah	rejected	722e(1)(B) 722e(1)(A) 722e(3)	inaccurate	rejected	722
Vermont	approved	N/A	inaccurate	approved	N/
Virginia	approved	N/A	inaccurate	rejected	722
Washington	rejected	722e(1)(A) 722e(1)(B) 722e(3)	missed 722e(4)	rejected	722
West Virginia	rejected	722e	inaccurate	approved	N/
Wisconsin	rejected	not adopted by SEA	accurate	approved*	N/
Wyoming	rejected	722e	accurate	rejected	722

* In the case of this plan, a phone call could hav made asking when the plan would be approved. The plan could have then held until adoption by the SEA and then approved. This would have bee more expeditious course of action.

Excerpts from Interviews with State Coordinators Regarding Their Understanding of Program Dates

- I'm lucky I have a supervisor who understands the dates because I could not.
- The program dates were a problem because they're inconsistent with operating procedures.
- The program dates were rather confusing because we're 12 months behind schedule.
- I do not understand the program dates.
- I only understand the dates because I've called Tom 4 times. Mary Jean's newsletter was incomprehensible.
- No, I still don't understand the deadlines. They tried to explain them to me but unless I have something in writing I cannot use it. We missed the deadline on the count.
- When we applied for funds the second time we couldn't get a definite submission date from the DOE.
- We absolutely did not understand the program deadlines. Do you know if FY87 lapsed?
- We receive inconsistent or false information every time we call them (DOE); be it regarding funding, data collection - anything. Initially the dates confused me. I went down to D.C. three times to clear things up.
- The dates are very confusing. Once funds are received, we run on a normal fiscal year.
- I understood the program dates.
- In the beginning I was confused about the spending periods. I'm all set now, it just took me a while.
- The federal deadlines were inconsistent with state deadlines. They were a little confusing. We were working on one grant and then had to apply for another.
- We did not understand the program dates. The budget people were completely confused by them. We still haven't figured out the fiscal years.
- The program dates were confusing at first until I realized the funds were one year behind.
- I have worked with fiscal year deadlines for 13 years. I have a good understanding of the federal government.

- In Washington (for data collection meeting) I got a blow by blow of how the fiscal years work. I understand them but I'm concerned about coordinators. DOE promised to send us information that they never sent.

- In my state, funding occurs on a two year cycle. DOE was unclear what was to be done with lapsed funds. What if they had already been obligated. It is difficult for a state bureaucracy to understand all of these different fiscal deadlines.

- I didn't understand the program dates at all.

- Program dates definitely overlap. I am a bit confused now and was definitely confused at the beginning.

- I was not confused by the program dates because I've dealt with fiscal year deadlines since 1969.

- I understood deadlines, except for the first year and have met all of them.

- I understood deadlines, although the first year was confusing.

- I'm just getting a grip on that. I need to know when funds should be expended.

- Fiscal year deadlines were clearly spelled out.

- It was a very confusing situation at first. After a time, the dates became clear.

- The program dates created a lot of confusion. We had to make many calls to clear things up. We missed the deadlines for funds to be spent by September 30th. They had already been obligated, so it was okay. We also missed the notice.

- I thought that fiscal years were very clear. The only thing that was a bit confusing was which fiscal year we are actually operating in... and when the money needs to be spent.

- It was crazy because funding got out so late.

- Prior to the convention, I didn't understand the deadlines. We did not meet the deadline and lost $40,000 due to a misunderstanding of how to spend and when to spend money.

- Fiscal year deadlines were very confusing. They are always behind on spending, and you can't spend two years of money in a few months. The deadlines need to be better coordinated.

- I understand the dates but think they are confusing. DOE should have written a memo of explanation beforehand. I think we met the deadlines but do not know if the funds lapsed.

State Coordinators' Assessment of Communication with DOE

- I asked Ed for a definition of homelessness he responded "waiting to be institutionalized" - that's a problem.
- I called every time I didn't understand something, which was often.
- I did not communicate frequently with the DOE, only when needed.
- My impression was that they were too busy. Sometimes it took a couple of days for calls to turn around.
- My calls were returned with moderate promptness.
- They don't always confirm our telephone calls in writing because when I call back a week later they've changed the answer to the same question. I often call other states to see what information they have received.
- Our communication with Francine Vinson stopped abruptly. We got no responses from her. Ed Smith was very helpful and timely in his responses.
- Our plan was held up for a long time; we tried contacting Francine for two months. Once we spoke with Tom Fagan, things got rolling.
- We had 7-10 conversations and meetings.
- We initially had trouble getting our calls returned, but that has improved.
- Early on there was confusion and delay in responses. Since last year, they've been helpful and respond appropriately.
- I had to initiate all correspondence. They were very hard to get a hold of.
- Francine Vinson is so nice, but she really couldn't give me direction. Tom Fagan and Ed Smith were likewise unsure how to advise me. I'm not sure they know what's going on. Those at the DOE seem to have no real direction but are as helpful as can be.
- Sometimes they were a bit late in returning the call. Anytime I needed to talk, they were there.
- I had a fair amount of contact with the DOE.
- Those at the DOE have made themselves available.

- We had very little communication with the DOE. Only when they initiated correspondence. I experienced a 1-3 day return time on calls to Ed Smith. Tom was more prompt. I also spoke on occasion to Francine.

- I felt our concerns were kept on the back-burner. The DOE was not organized. We weren't instructed what to do and then our plans were denied for conditions we were unaware of. We were really behind in information. We were not even told of McKinney developments.

- The DOE was very helpful.

- Yes, I spoke with Francine Vinson and Tom Fagan. They asked for specific changes, then asked for more changes over the phone. After the third revision, Tom said "we'll give you the money, but someone will be working closely with you." Still no one has called to work with me.

- I communicated with the DOE quite a bit, especially Francine Vinson.

- They gave a knowledgable assessment of our plan.

- They were receptive, they simply lacked an understanding of the bureaucracy. The DOE would explain something and then find out that their explanation was incorrect. They are always changing their position. There is a lack of information regarding how state should function. Are expended funds already obligated?

- I called the DOE whenever I had a specific question. They were pretty good about touching base with me.

- I've received nothing since the announcement of the conference; no summary, no report. They should at least tell us what happened. If I don't call them, they won't call us.

- Francine was very nice. A sample plan was given to her and she advised me during our visit.

- They were always helpful and promptly returned calls.

- They were a little slow returning calls, and there are problems getting confirmation of phone calls in writing.

- The DOE answered my basic questions. There were no problems with communication.

- Francine was hard to get a hold of sometimes, but I understand.

- I call when I have questions and usually get the necessary answers.

- I was very impressed with Francine.
- They were helpful and it was not a problem contacting them.
- They gave excellent advice and were very supportive.
- I am very frustrated because we are not given any direction from the DOE. I was on of the first Coordinator appointed, so others called me for answers, but I didn't have any. The DOE didn't know either. Information was not given to us in a timely fashion. It has gotten a lot better, but it is still inconsistent between coordinators.
- When Francine Vinson came on board, there was real turnaround. She helped a lot. She has been very accessible and returns phone calls.
- I waited 3 days for the DOE to return my calls and when they finally did they were unable to answer my questions. No detailed technical assistance was available. They just don't know a lot of what we need to know.
- The DOE was hesitant. I did not have that much interaction with them.
- The DOE tried to be helpful.

National Association of State Coordinators for the Education of Homeless Children and Youth

August 14, 1989

Francine Vinson
U.S. Department of Education
400 Maryland Avenue SW
Washington, D.C. 20202

Dear Ms. Vinson:

The recent formation of the National Association of State Coordinators for the Education of Homeless Children and Youth (NASCEHCY) has given those of us at the state level a boost of optimism toward our individual projects and toward a solution to the homeless problem.

Our conference in June gave us a tremendous amount of information to use in seeking solutions to individual state problems. However, it also brought to light some of our frustrations and the problems we, as state coordinators, are seeing in the field. The most recognized problem is communication. Out of a very positive conference came some very negative feelings about communications between the U.S. Department of Education and the state coordinators. This letter will attempt to address these problem areas and stimulate some positive solutions for better communications.

As you can see by the enclosed survey, many of us are frustrated. We want to ease that frustration and create a better working atmosphere so that all of us, at both the state and federal levels, might better accomplish the goals of Title VII-B of the McKinney Homeless Assistance Act. We know that it takes time to compile responses for requested information. We know that sometimes simple answers are not available. However, we are asking that you be aware that our effectiveness in implementing this program has, on several occasions, been limited by inaccurate communication, untimely or late communication, and by the complete absence of communication regarding some issues.

In generalizing and summarizing these problem areas, we hope you understand that we see the correction of these problems as opportunities to improve our state programs. We would ask you to address problems you may have with us, as we realize that problems are rarely one-sided. We feel that the problems addressed in our survey are, in most cases, self-explanatory and will take very little effort to correct and enhance communication efforts.

We feel that the U.S. Department of Education needs to have in the position of Education of Homeless Program Officer, a permanent, full-time contact person, with a full-time support staff sufficient to handle our program problems, questions, needs and requests. Frequently, state coordinators have felt as if their needs were relegated to a backburner because of difficulties having phone calls returned, difficulties having

phone calls returned, difficulties having important documents or communications mailed or difficulties obtaining answers to direct questions.

Another important area of neglect is at the regional level. We do not know if any of the regional offices are even aware of the Stewart B. McKinney Act and its many requirements. There seems to be little, if any, information coming from the regional offices. As an example, some of our coordinators attended the Region 10 Homeless Conference on June 26-28 in Seattle, Washington. This was a very informative conference, providing extremely valuable information for our programs, but no U.S. Department of Education Regional or Washington, D.C., program person was in attendance. The education of homeless adults, children and youth was left off the agenda. If it was not for the efforts of those state coordinators attending the meeting, education would have been left out of the conference altogether. In some cases, state coordinators have not been notified about relevant regional or national conferences, even when the U.S. Department of Education had knowledge about the programs.

Telephone and written communication seem to be the master of any well-run operation. Those two areas are our greatest concern. We hope that by drawing attention to the listed problem areas, these two primary sources of communication will become a stronger part of the state projects and will help create solutions, not hinder them.

We, as an association, have taken it upon ourselves to enhance communications among state coordinators. We have also made better communications a goal of our working relationship with the U.S. Department of Education. We seek a partnership in which open, honest communication occurs on a consistent basis. We believe that neither state coordinators, nor U.S. Department of Education administrators can be most effective in meeting our program goals without mutual respect, nurtured by constructive, professional communication. We acknowledge your attendance and willingness to answer questions at our June meeting as a positive step in that direction. We hope that this letter is perceived as another positive step toward the improvement of our communication efforts.

If you have specific questions regarding our survey information or the contents of this letter, please contact Terry Teichrow, Montana, 406-444-2036, or Bill Scheel, Arizona, 602-542-5235, or Joseph Johnson, Texas, 512-463-9694.

Sincerely,

Terry Teichrow
Communications Committee Member
NASCEHCY

Joseph F. Johnson, Jr.
Steering Committee Member
NASCEHCY

co/16
Enclosures

cc: Mary Jean LeTendre
Tom Fagan
Edward Smith

UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON, D.C. 20202

OCT 1 9 1989

RECEIVED
OCT 23 1989
SUPERINTENDENT OF PUBLIC INSTRUCTION

Mr. Terry Teichrow and
Mr. Joseph F. Johnson, Jr.
Office of Public Instruction
State Capitol
Helena, Montana 59620

Dear Messrs. Teichrow and Johnson:

This is in response to your letter to Ms. Francine Vinson of my staff concerning problems of communication between the U.S. Department of Education and the State Coordinators for the Education of Homeless Children and Youth.

I appreciate your letter with its positive suggestions for better communication between this office and the State Coordinators for the Education of Homeless Children and Youth. I assure you that we will make every effort to ensure that good communication exists between this office and the Association. I have noted your concern about telephone calls and have directed that all calls be answered promptly. If the person called is absent from the office, the call will at least be acknowledged by another member of my staff, the message taken, and the call returned within 48 hours. I will continue my efforts to see that all communications from this office to the coordinators--grant award documents and informational materials--be handled as expeditiously as possible.

I have discussed your letter, particularly your concern about the Department's Regional Offices, with staff from the Office of Intergovernmental and Interagency Affairs (OIIA), the liaison office between the Department and its Regional Offices. OIIA now has the current list of State coordinators. For our part, any communication to the State coordinators, e.g., the August 18 guidelines on the definition of "homeless" and consistency in counting homeless, automatically goes to the Department's Regional Offices. OIIA is also the Department's liaison with the Interagency Council on the Homeless, and I have requested that appropriate information from the Council be transmitted to the State coordinators on a regular basis.

I feel that another way to enhance communication is for my staff to get out to the States to see what the program is doing. To the extent possible, I intend for my staff to visit State programs for this purpose in fiscal year 1990.

Terry Teichrow
Gail Gray
clf - 1708.2

The meeting coming up in November will provide a worthwhile forum for us to continue this discussion on improved communication. Once again, I assure you of my willingness to do whatever is needed to keep the lines of communication open and working. In this regard, I thank you for your letter with its constructive suggestions.

I look forward to seeing you in November.

Sincerely,

Mary Jean LeTendre
Director
Compensatory Education Programs

State Coordinators' Suggestions to DOE

- They [DOE] should disseminate more information. Coordinators could then learn from other states.

- We are a large city with lots of migration and only get $50,000 to deal with education. We need more resources. Some sort of reauthorization needs to be worked out. It's frustrating that you can't use the money to actually educate children. There needs to be better collaboration between agencies of the federal government (HeadStart). Also, we need more technical assistance - give us ideas of how to tap into HeadStart or how to approach funders.

- They should clarify the financial provisions.

- I think Congress needs to add some definition to the McKinney Act. As it reads now, it leaves a lot of room for interpretation by the DOE. There was a real problem with how the DOE instructed us to write the state plan. They made it seem very simple, but then they rejected two-thirds of all plans. The DOE views this program as something that was just thrown at them, they really don't want to administer it. The DOE needs to go out in the field, they need to <u>see</u> what's going on.

- We need more lead time.

- Exchange successful procedures with coordinators.

- I got conflicting stories from Tom, Francine and the DOE's attorney regarding what was O.K. Tom Fagan got up at the conference and said that FY87 funds had to be allocated and liquid or else they would lapse. The attorney then got up and said the exact opposite.

- DOE needs to be aware of exemplary programs and share a "how to" manual between the states. Make sure information coming out of the DOE is consistent to all states. Call people back! The DOE needs more input from Coordinators when drawing up schedule. They should also come visit each state to see programs in action, first-hand.

- Better communication through the regional offices.

- There should be a quicker return on fund allocation once applications are approved. We should also be informed of the overall goals of the program.

- Clear and more plentiful communication. They [DOE] need a step by step list of what states need to do.

- They need a more uniform prescription for data collection to

include rural and urban populations. It is very frustrating to count this populations because it can't be done accurately.

- The DOE needs to be quicker about the dispersal of information. Make sure the DOE gives out correct information.

- The DOE should provide a fiscal year calendar to all Coordinators including deadlines, meetings, conventions. They had a convention for Chapter I and the Homeless Coordinators Convention at the same time. I only got notice one week in advance. That shouldn't happen!

- We need additional guidance and increased communication with the DOE. Information takes a while to get through to us. To be honest putting these kids in a home would probably do wonders for their education.

- The DOE was available but not prepared.

- Deadlines should be consistent. Better communication and availability is needed.

- Lines of communication should be more open. What can be tried when we have no money for direct services? There seems to be no financial help for anything. Our districts are already under a crunch, we're expected to do more with absolutely no financial enhancement. Lack of communication has been deadly.

- We've applied for a $365,000 discretionary grant for adults, but we didn't get it. I wish there was money for direct services, but otherwise the DOE has a good program.

- Coming in as a new person, I need guidelines to model projects after. I don't know how to do it. Very little guidance, thus far. I've called other coordinators. The instructions are very vague as far as what is allowed.

- We should be able to use the funds for transportation and programs, not just for data collection. We need to be able to use the money to benefit the kids.

- Local agencies should have responsibility for the programs. We are financially strapped and could use more money.

- The DOE needs an adequate staff. They need to make intensive efforts to have staff trained in fund delegation and application processing. The DOE should put out a monthly written report to respond to deadlines and disseminate information. They should take the lead in setting up a communications network, encouraging other state DOEs to do the same.

- We shouldn't be wasting time any more time on gathering data. Funds should be spent on providing services. Data collection on the count was inaccurate.

- There is a need for states and regions to get together on a regional or national basis. Get information between states out in a timely manner. We need more money, we spend too much time on data collection. We have one school where half the children are homeless.

- I am somewhat sympathetic to the DOE. The people who were given those jobs were not capable of filling the demands made upon them. The government should appropriately fund the DOE so they can do their job.

- When the funding comes through for the pilot program, the States should have the right to grant the money. The DOE doesn't know the problems involved, we've been researching it. We know! I hope they do not distribute the discretionary money the same way.

- If we knew what other coordinators were doing, it would help. We need to be better informed of what is going on, but this is more between us, not DOE. I have no complaints. They've done everything in a timely manner.

- There is a need to share ideas with other coordinators about programs. There should be continued refinement on collection of numbers on homeless children and youths. (Get a good data base going).

- The DOE has not informed us in sufficient time to do what is mandated within the time frame. Program guidelines are not consistent with the law. I am concerned that other Coordinators are no familiar with federal law or standard fiscal year planning.

- If people in the federal government are serious about encouraging pilot projects or innovative solutions to identified problems, appropriations must be significantly increased. Flow-through money must be available to reimburse LEA's (local educational agencies) for expenditures heretofore not planned. Also, the general assumption which ties allocations for LEA administration to state population must be reviewed. It costs more to provide meaningful services to far-flung LEA's in a geographically large state.

- There is too much emphasis on data collection when practical implementation of programs needs to be stressed.

- The DOE should encourage and financially support the Coordinator's Union. Data from different states should be shared. We must work together instead of having individuals tapping state budgets on their own.

- I like the stance of DOE: a "hands-off" approach. This is mainly a local issue. It is ill advised to say that states have to do things a certain way. I am leery of the National

Association of State Coordinators. There should be more equity in fund disbursement; some states don't have much of a problem but jumped on the funds so they wouldn't get left out.

- They need to do more of what they've been doing recently - more communication with Coordinators, more exchange. Consistent and prompt information is necessary. Francine is very responsive. I can't say enough about how much she's done in such a short time. She really should be commended for it.

- At the meetings, break up into round tables where one person from DOE gives technical assistance with grant applications, monitoring, how to write applications. Some coordinators who are on top of things can be facilitators too. We need more one on one activities. A question and answer period is vital. We also need to know who is doing what at DOE. There are always new folks coming on. Lists are needed that show the hierarchy at DOE, due dates, people to call for help; something like a fact sheet of things you should know.

- Hearing what other states are doing would be very helpful. There are always questions on the count. We need to know more of what's expected, more guidance than just a form letter. Tell me what to do.

- They need to do something for the rural states specifically. The same projects used in urban states don't apply. They need ideas for native Americans.

- Section 723 is supposed to be funded this summer. I hope that when it's time to fund exemplary grants, they remember we rural folks needs the money too. Last year just N.Y., Houston & LA received funds. Congress needs to allocate more money for <u>direct</u> services. But, all around DOE is doing a good job.

- Those folks [at DOE] don't know much more about these programs than the rest of us, so I understand their reluctance to answer us. They must be consistent with their answers. There is a total lack of guidance in matters (i.e. taking the count in the first year). We spent almost one-half of the convention on homeless children. Coordinators weren't given an indication of the money available or how they should have conducted the count. It would be crazy to do the count again, and a huge waste of resources. I felt good about the conference and the opportunity to share different model programs. The financial agenda said that the application package would be explained. I am sure that the proceeds and the distribution of funds will drag on forever. It will be a repeat of FY88, taking months to get the money distributed. These people who have been working in Chapter One have a long history and many networks; it is not the same with us. People don't know what they're doing. The U.S. DOE should send out a newsletter providing technical advice and report what is happening in other states so we can share ideas.

- I'm confused about when pilot project funds must be liquidated. I wasn't really clear on the state plan requirements. They didn't seem to have time to personally review plans. I understand that though, since it is a new program.

Summary of Interviews with Shelter Providers

Alabama

Homeless children in Alabama face extreme difficulties in enrolling in school. Birth certificate, social security card and guardianship requirements all work to prevent homeless children from gaining access to education.

According to the supervisor of a youth shelter in Mobile, runaway and homeless youth cannot get into school without birth certificates. If a child is from Mobile, it is relatively easy to obtain if the shelter pays five dollars for a replacement copy. If the child is from outside Mobile but within Alabama, getting a copy of the birth certificate is possible but difficult. And, it is almost impossible to get a copy of an out-of-state child's birth certificate. Without these certificates children cannot attend school.

In Birmingham, a free health clinic for homeless persons, funded in part under a different title of the McKinney Act, reports that tracking down birth certificates for homeless children can keep kids out of school, often for as long as three weeks.

Another shelter provider in Birmingham finds birth certificate requirements restrictive to parents attempting to enroll their child in school: "If a family is not in a shelter, the parents can't get a copy of a birth certificate if they don't have one already due to the cost and difficulty of obtaining one." Therefore, these children are not attending school.

Guardianship requirements also present problems, especially for children without cooperative relatives and children who no longer live in the same district where their school is located. In Mobile, a child must have a guardian's permission to attend school. If a child is from Mobile then the parents usually cooperate and grant consent. But, if a child is not from Mobile, it is often difficult to locate the parents. Thus, the children are kept out of school for lack of parental consent. In Birmingham, schools have permitted grandparents to become guardians so the child could attend school.

Transferring school records can be a problem as well. A shelter provider in Birmingham reports that one child's old school wouldn't release the child's transcripts until the child returned her school books. In this instance, it took two weeks to get the child into her new school.

Some schools provide a "grace period" in which a child is allowed to enter school if the parents can obtain or demonstrate an attempt to obtain social security and immunization records within a specified period of time. This permits a child to start school without the birth certificate and immunization transfers. But, if the parents have not produced both a birth certificate and proof of immunization in two weeks, the child must stop attending school. In Birmingham, children are given a ten-day grace period during which they can attend school. They must present proof within the ten day

period that they have applied for birth certificates and immunization records. The supervisor at the Mobile youth shelter asserts that due to the above regulations, if a runaway or homeless child is not in a shelter, the child is not in school: "Children just cannot get over the barriers without an adult to help cut through the red tape."

One shelter, with no assistance from the local schools, provides special support to keep children in school. Recently the head of counseling at the shelter's local school has called providers together to begin to ascertain homeless children's needs. Providers feel school involvement is desperately needed: "Schools are just not aware of what these homeless children need."

Free lunch approval was a problem for one family at a Birmingham shelter. A principal told the family that he would only give the child two weeks of free lunch approval because the family reported "zero income." The principal informed the family that it is impossible to earn zero income according to the federal government. The child had to reapply for meal tickets after two weeks.

The clinic supervisor reports trouble in finding homeless children due to parents' fear that if they let the school system know they are homeless the children might be taken from the family.

The clinic supervisor also reports that the Alabama Department of Education used their funding to send a one-page survey to all the teachers to ask if there were any homeless children in their classroom. The results of this survey showed that Alabama did not have a problem with homeless children. Yet, the evidence supports a different conclusion. "Are the teachers supposed to ask all their homeless children to raise their hands?" the clinic supervisor asked. Homeless children often try not to let anyone know they are homeless because of the obvious stigma attached to homelessness.

The director of a state-wide non-profit organization also feels that the government hasn't done enough: "I can't tell what on earth they've done with the dollars they've been getting for the past three years. One survey done -- that's it. I may be too cynical, there may be wonderful things happening. But, as far as I know, they've just set up another bureaucracy within the DOE bureaucracy."

<u>California</u>

Although some providers report new programs geared towards homeless youth and the state has begun funding projects with "seed money" in a few areas of California, homeless children face major barriers to education. According to service providers, immunization, transcripts and residency requirements are strictly enforced in most parts of the state. Complicating these difficulties, lack of both transportation and special services serve to limit homeless children's access to education.

Homeless children cannot enter school unless a child has a record of immunizations. While shelters all pay for the

transportation to the free clinics, for transient children unable to obtain or retain their records, this means they must be immunized each time they move.

According to a Los Angeles County school psychologist who has worked extensively with homeless children, these children are regularly subjected to residency requirements. She says that following passage of the McKinney Act, the state revised its previous policy -- which required a permanent address for school enrollment -- to allow homeless families to enroll their children by filling out a form attesting to their homelessness. Yet, she says, this new procedure is widely ignored across the state. Instead, schools allow sheltered homeless children to use the shelter as an address but deny entry to homeless children living in cars, beaches, or on the street. According to the psychologist, "turnaways are the norm, not the exception."

According to the director of the California Coalition for the Homeless, parents are responsible for the transfer of records. For homeless parents, who usually lack transportation, this is often an insurmountable barrier. Few homeless parents have the time or money to return to their previous state to get their children's records. In addition, for the many non-English speaking families, language problems may prevent performance of this task. The Coalition reports that many families, often following repeated unsuccessful attempts, give up.

Runaways and other adolescent homeless youth without parents have an almost impossible time getting to school. These children lack permanent addresses, school records, immunization records as well as guardians.

Children are by and large completely responsible for getting themselves to school. If a child no longer lives near the old school, the parents must provide transportation to the school. One parent woke up early every morning to ride the bus with her child to school and then back (a total trip of two hours) and then later on in the day she would repeat the process. One service provider reports that parents never ask for transportation to the old school because they are embarrassed. The cost of transportation is paid for by the shelter. One shelter in San Francisco reportedly spent over $300 a month providing bus tokens to their clients.

While children are normally assigned to schools within walking distance, this is not always the case. For example, in Bakersfield the school district's position is that it will educate children if they can get to school on their own, but that it does not have funds to provide transportation. For children living in the shelter who are attending school in the shelter's district, the elementary school children walk and the older children must arrange their own transportation.

Special education is strongly needed but very few school districts provide such services. One provider says that a private school is needed so children are not embarrassed by not being clean or well-kept enough. Shelter kids stand out, and it's hard for them to fit in at school and get a fair

education. Another shelter provider agrees that homeless children with special needs were not getting the help they need. Homeless children are also routinely denied comparable services. Testing for special education programs takes weeks, and homeless children are frequently denied any access to such services. In one recent case, a homeless family was unable to obtain special services for its autistic child. Similarly, handicapped homeless children are denied wheelchairs. One of the chief problems is that these children do not get identified. Often the school psychologist comes to the school once a month, and only the psychologist can administer the necessary tests to get children into the special programs.

Few schools provide special services for homeless children. The Broadway school, located in Venice, makes it easy for homeless children to enroll: the school will accept any location -- including a car or a beach -- as an "address" for the child. In addition, psychologists conduct "intake" at the school to determine whether the child has any special needs. If intervention is required, an exception is made to the usual rules in order to expedite the process. Where warranted, the child is placed in special education classes.

California State Department of Education has distributed McKinney funds to only 16 out of 58 county school districts. This funding is to be used for seed money for the school districts who reportedly have the most homeless children. While the amounts are small -- ranging from $8,000 to $30,000 -- they are useful in getting ideas turned into action. But, across the state, serious problems abound.

Colorado

According to shelter workers, Colorado is taking steps to ensure that homeless children receive education. The Colorado Coalition for the Homeless reports that a bill is now pending before the state legislature to ensure that homeless children are not denied access to school by residency requirements. However, the Coalition has not heard of any child in the state actually being denied access to school even without this law on the books.

The director of a shelter in Colorado Springs states: "We have an excellent program. All kids get into schools and have the appropriate records. Transportation is not a problem."

Another shelter provider in Denver reports that the school districts make an extra effort to assist homeless children. The only potential problem, she said, concerns delays in transferring school records. In one case, records took six weeks to arrive. But, she says, such delays are rare. According to the director of a shelter in Fort Collins records are usually transferred in about four days.

These relatively good reports may in part be due to extra, privately supported efforts now underway in Colorado. For example, the Coalition reports that they have begun a liaison program -- funded with a foundation grant -- between shelters and school officials. Two teachers and two aids run an after-school program open to all interested students, not

just homeless students. This program provides needed support to homeless students while also helping to integrate them into the school system. Forty elementary school children are able to attend at each of the two participating schools.

Connecticut

Reports from shelter providers in Connecticut are mixed. Most providers report that, overall, there are no serious barriers. Nevertheless, some providers report problems. And in general, the attitudes of school officials seemed to vary by school district. For example, according to one shelter provider in Hartford, school districts are "very cooperative" with the shelters. On the other hand, a shelter provider in Danielson said that "the school district doesn't necessarily like to handle all the homeless children in the areas, but they do."

According to the director of a shelter and food program in New Haven, children must have immunization records and birth certificates before attending school. She reports difficulties in obtaining such records for children from out-of-state. It took her over three weeks to find the records for one child from Puerto Rico before the child was permitted to enter school. A child from New Jersey also was barred from school for a couple of weeks while the records were found and transferred.

In Connecticut, parents have the sole responsibility to obtain their child's records. For some homeless parents, this is a difficult task without the assistance of the school or shelter providers

The Director of Human Services for Tolland reports that she was told by members of the Town Council that a homeless child living in the district would not be allowed into school because, given his homelessness, he was not a "resident" of the district. The director called the school superintendent, and the child was immediately enrolled. While she deemed this incident a "misunderstanding," no data exist on children who were turned away and did not have the support of an advocate in challenging the denial.

In some areas, transportation seems to be at least a potential problem even though the Connecticut legislature enacted legislation that requires a child's former school district to pay transportation costs from the shelter to the former school (Public Act 87-179, July 1, 1987). For example, transportation in Tolland is now provided by volunteers -- from the shelter or local churches -- who drive homeless children to school. Transportation is not provided by the school system. Similarly, in Rockville, a shelter provider reports that there is a lack of school transportation. While this has not yet presented a problem for her school-aged clients, it may in the future.

According to the provider in Danielson, while school transportation is not difficult, transporting children to health clinics or places other than school remains a problem. Danielson is a very rural area, and there is a lack of public

transportation. She asserts the need for more funding to meet these children's education and transportation needs.

Of their own initiative, some shelters have instituted special programs to help educate homeless children. For example, the Danielson shelter has hired someone to serve as a liaison between the shelter and the school district. This person retrieves records and tutors children. This ten-hour-a-week position is paid for by the shelter.

District of Columbia

According to service providers in the District of Columbia, homeless children are not barred from attending school by residency requirements. Providers also report that -- at least for sheltered homeless children -- guardianship requirements are not generally a problem. Shelter workers are permitted to act as guardians for the purposes of school enrollment.

Nonetheless, serious problems remain. According to the assistant director of a legal clinic, transportation is a serious problem for families trying to take homeless children to school. Parents are responsible for obtaining bus tickets. Even though parents may obtain discount tickets for their children, this is still a substantial cost for parents who want to keep their child in the same school the child was attending.

Another major problem parents face, he reports, is difficulty in transferring their child to a school nearer the shelter. The parents have sole responsibility for tracking down and transferring children's records to the new school. For a variety of reasons, mostly having to do with both the other pressing needs homeless people face and the lack of cooperation of attendance officers, parents often are unable to re-enroll their child.

According to the director of an organization for homeless and troubled youth, while homeless children are allowed into schools, once in, they do not receive any needed special services or assistance. She says that getting homeless children admitted into special education classes takes such a long time that children often leave the school before they are admitted into special programs. In some cases, it has taken her a year or more with "strong advocacy" to get these children admitted.

Similarly, there are sometimes problems with the transfer of records, she says, particularly for children who have moved from another city. Records sometimes take a month to arrive, and during this time the child is barred from attending school.

Immunization requirements also operate as a barrier at times, according to the director of outside education at a children's services group. In one case, a homeless boy was kept out of school for six weeks because his mother was unable to obtain immunization for him.

It is much harder for children not connected with a shelter to get into school in D.C.. A cleaning woman spent over a month trying to get her two grandchildren into public school. The school wouldn't accept the children without their

immunization records, and the grandmother couldn't get the records from the Health Department because she was not the legal guardian. Finally, she was able to get the records, and the children got into school in Southeast.

A shelter director reports that children served by his program have not encountered barriers in entering schools. Nevertheless, he says that immunizations can be a problem for working mothers whose schedule doesn't permit much time to get a child to a free clinic for immunizations.

Florida

Homeless children face significant barriers in most of Florida. The director of the Orlando Coalition for the Homeless reports that the Orlando school district has a "very good" attitude towards homeless children and calls it "one of the best" school districts. However, he notes this is not the case around the state; residency requirements are still prevalent. Immunization requirements pose a barrier for homeless children who lack the money or transportation necessary to get immunized or track down their records. In his opinion, school transportation varies with the community.

A professor at Barry University who conducted a survey of 60 families (including 120 homeless children) found that 60% of those interviewed described the schools as uncooperative in their attitude towards homeless children. He interviewed families in three large urban county districts: Miami, West Palm Beach, and Fort Lauderdale. The families were asked about their experience with the school system during the time they were living in the shelter and before they moved into the shelter. Before the move, many families had been living with relatives in trailer parks or in cars. For many, the move to the shelter was their third move during the school year. Those reporting difficulties had problems with immunization and school records transfer. The professor maintains that "it is easier for kids to get into school from a shelter than from another short-term location due to the shelter's network of people who understand the system and can work around the restrictions."

Another shelter provider in Miami says that homeless children must present proof of residence, as well as a physical examination in order to enroll in school. While the shelter may serve as "residence" for this purpose and also provides transportation to the clinic, these requirements can prove insurmountable for children not living in a shelter. In addition, he notes that a child must be accompanied by his or her parents in order to enroll in school and noted that record transference is often slow. The Miami shelter provider notes that homeless children in his shelter are doing well. Two have enrolled in gifted programs and one is in a special education program.

Idaho

Homeless children's access to school seems to vary throughout Idaho. Most shelter providers report positive

actions on the part of schools. Yet, some potential problems appear to restrict parents' ability to get children into school without assistance from either a school or shelter provider.

The first of these difficulties is the residency requirement that only permits children who are actual residents of the school district to attend school. Children who are not actual residents must pay a tuition fee. According to the director of a nonprofit organization in Boise, while many school districts waive the tuition fee, there are some that do not. Obviously, a family that cannot afford to pay for shelter will have great difficulties paying for education. And, in many cases homeless families not staying at a shelter have no address they can use for a residence. Legislation is currently being written that permits homeless children to have such fees waived, but as of yet, it has not become law.

The director of a shelter in Boise reports that if a child misses more than nine days a semester, the semester doesn't count. Attendance rules that do not credit a semester's work if a child is absent for more than a specified number of days during that semester effectively keep homeless children behind in school, making it even more difficult for homeless children to be integrated into the school system.

Homeless children are almost always behind in school, yet few schools offer special tutoring to assist them. Special assistance is sorely needed because many shelters, already cramped for space, do not have a place for children to study.

However, many shelter providers reported that most homeless children are able to get into school quickly. Children can attend school immediately, and there is no waiting period delaying enrollment while records transfer, reports a shelter provider in Lewiston. In Nappa, a director of a shelter reports that all homeless children who arrive at the shelter are attending school within 48 hours after their arrival at the shelter. She also finds the only delay in getting children into school is making sure the child has the proper clothes.

In Lewiston, the shelter provider reported that access to school is not a problem for children who are at the shelter. For families not at a shelter, however, their children won't be attending school because the parents have so much to worry about -- where to eat, where to sleep -- that getting a child into school is one of their last priorities.

In some parts of Idaho, transportation is a problem because parents must take the responsibility of getting their children to school. For homeless parents who usually do not have cars or money for a bus, this can cause difficulties.

Illinois

While some areas of Illinois such as Springfield report no problems with educating homeless children, other districts seem to be experiencing problems. The director of the Illinois Coalition for the Homeless has been following Illinois' compliance with the McKinney Act and believes that transportation is the biggest problem for homeless children. He says

the reason transportation is such a problem is that unless the schools provide transportation, there is virtually no other way to get these children to school. He adds that while the state has made plans to comply with the mandate of McKinney, no such implementation has taken place.

If access to school is taken care of, there are other problems of getting the homeless child actually enrolled in school. One shelter provider explains that he has often had to "press the system" to get a homeless child enrolled in school. He adds that it varies from school to school, depending on how amenable the principal is to homeless children in his or her school.

And finally, if the children are permitted in the schools, there are often no special programs to help them adjust to their new environment or help them catch-up to the appropriate level. The director of the Me On Street Shelter says that nine out of ten children in his shelter could be considered learning disabled: "These kids have special needs, but no system has been set up by the state to address their needs."

These children often have difficulty attending school, yet it was reported by numerous sources that the truancy policy is very bad. A provider at the Rutledge Youth Center in Springfield says that homeless children are told that if they miss five days in a row, they will fail. One child was told that he should not bother returning to school because he would fail even if he did return.

On the other side are those shelters like Rainbow House Shelter in Chicago which have experienced few problems. These shelters, however, appear to expend significant effort themselves. For example, at Rainbow House, shelter providers assist the children in registration and reported that every homeless child at their shelter is currently enrolled in school. One provider there says that the shelter has been able to work around the Chicago school district's requirement that children must have a transfer voucher to move to another school.

Likewise, the Greenhouse Shelter in Chicago makes regular visits to area elementary and high schools to discuss problem cases and to touch base. A project called "Head Home" brings tutors into the shelter for pre-schoolers during the day.

Maine

Shelter workers in Maine report that homeless children face serious educational barriers. Indeed, virtually every barrier expressly prohibited by the McKinney Act appears to be in place in Maine. In particular:

Residency requirements. These requirements appear still to be in place. According to the Director of the Portland Street Program, homeless children are regularly turned away from school. She says: "Our feeling is that the school district doesn't want our kids." Another shelter provider in Portland also reports that homeless children are still being

shifted between school districts. In one case, where the parents lived in Westbrook and the child lived in Portland, neither school wanted the child.

In addition, according to another Portland shelter provider, homeless children living in that shelter are denied access to the local school even though it is next door to the shelter. He says that children are not admitted to school if they do not come from a "stable environment." This effectively operates to prohibit most homeless children.

Guardianship requirements. Guardianship rules also operate as significant barriers in Maine. According to the director of a Portland shelter, if a child attempts to enroll in school without a parent, schools deny entry: "It's a fight every time." She reports that children are required to have their parents sign a "consent form" in order to enroll in school. For children estranged from their parents -- or who are unable to obtain the signature for whatever reason -- this requirement may be an insurmountable barrier.

Records. According to a Portland shelter director, it takes about two weeks for records to be transferred. During that interval, homeless children are unable to enroll in school. But, she says, "We can advocate loud enough [on these issues], so we haven't really had a problem."

Comparable Services. Homeless children are frequently labeled "truant," and as a result, are excluded from special education and other special programs.

Transportation. Transportation appears to be uneven. One provider reports that homeless children are sometimes subjected to a vicious cycle. While they are kept out of the school district in which they already live, they are denied transportation to their original school district. Similarly, another provider reports that while some school districts distribute bus passes, others do not.

The lack of appropriate clothing and negative attitudes towards homeless children also cause problems. And, it was noted, without a quiet, safe place to study, homeless children will not be able to obtain an education.

Maryland

Homeless children and youths' access to school in Maryland varies greatly depending on location. In Hagerstown, two directors of shelters reported no difficulties in getting children into school. Most of their clients are local; therefore, the children keep attending their old school.

However, for homeless children and youth in other parts of Maryland, there are barriers to enrolling in school caused by immunization requirements and lack of special services. One shelter provider reports that without immunization, records, or shots a child cannot enter school. One child from out-of-state was kept out of school for almost a week until she could get new immunizations.

Transportation could be a potential problem since most shelters or parents have the responsibility to provide transportation for the students. According to a youth services

provider in Hyattsville, many of the children who attend their old school receive bus tokens paid for by the shelter.

None of the providers report receiving special services from the schools. The shelter in Hyattsville pays for a teacher who teaches all the students in the shelter who are not able to attend their old school. But, the school should be funding these programs, not the shelter.

Most of the shelter providers interviewed only provide shelter to local residents. For that reason, few report difficulty getting children into school because most children keep attending their old school.

However, for youth and transient families, the picture appears far bleaker. The State Coordinator believes that there may be a problem with guardianship requirements. However, this problem is hidden because many shelters do not take children older than twelve and the runaway shelters have schools on the premises, so no data exists on the number of homeless children without guardians not attending school. A shelter for youth finds that children living with friends or in a shelter do attend their old school. But, she adds children living on the streets do not attend school.

Michigan

Michigan schools do seem to take the responsibility for tracking down children's records. None of the providers interviewed felt children were kept out of school for lack of adequate records. However, guardianship requirements, transportation and residency requirements all present significant barriers to homeless children's access to education.

The most restrictive of these barriers is guardianship requirements. According to a provider at a youth crisis center in Ann Arbor, there are many difficulties in trying to get children into school without a parent's permission. One runaway from another county could not start school until the courts had transferred her jurisdiction. After a six week court battle, a court worker was assigned to be her guardian, and she was able to enroll in school. Another seventeen-year-old runaway was able to attend school only after a shift coordinator at the shelter became the youth's temporary guardian. She says: "It's very sticky and cumbersome to get a child into school; a child must have a legal guardian or be emancipated."

In some parts of Michigan, transportation is also a problem. In Ann Arbor, foster parents, students, or the youth shelter staff must take children to school. A supervisor of a shelter for families in Ann Arbor reports that only children in special education have access to school buses. In Ypsilanti, a shelter provider reports that children at her shelter walk to school or the someone from the shelter drives them.

In Ypsilanti the major transportation problems occur when children want to keep attending the school they were previously attending before moving into the shelter. In cases like these, the shelter or the parents have the responsibility for

getting the child to school. In one situation, the shelter paid for a cab to drive a child to the bus stop so the child could attend the old school.

In Ypsilanti, the shelter provider reports only one case where the school provided transportation. This occurred when one child was attending a special education class in another part of the city and the school bus came to get that child, his sibling, and another child staying at the shelter who also attended the same school. She says the school district "grudgingly" provided transportation for them.

A few schools do offer special services to homeless children. A shelter provider reported that Community High School in Ann Arbor offers a good tutoring system. Couzen School in Detroit offers a special program for homeless children which allows children to enter immediately, offers a bus right near the shelter, and has no residency requirements that limit children's access. Couzen School also offers comparable services to its students paid for by the school district.

Despite these positive examples few schools are providing special tutoring for homeless children even though there is a consensus on this need due to children's inconsistent attendance records. Many shelters reported receiving tutoring assistance from community volunteers.

Residency requirements are still enforced in some parts of Michigan. Detroit, Ypsilanti and Ann Arbor shelters all have people in their shelter using the shelter's address. If the child was not in a shelter and had no address, the child couldn't attend school. One provider in Ann Arbor said that all children must have an Ann Arbor addresses to attend school and that youth on the street use the shelter's address. The schools, she says, don't know that it's a shelter address; all they care about is that it is an Ann Arbor address.

Minnesota

Shelter providers' reports vary and Minnesota's efforts to educate homeless children appear to be uneven. Overall, in both urban and rural areas, homeless children living in shelters appear to have a much better chance of entering school than children not in a shelter.

For example, according to the Minnesota Coalition for the Homeless, fewer homeless children attend school in rural areas since their families tend to be more transient. However, according to shelter providers in rural areas, once children enter the shelters, they are able to begin school right away. Similarly, the director of the YWCA shelter in St. Paul estimates that 60% of the children were not attending school before arriving at the shelter.

In the Twin City area, admission to school does not appear to be a major problem. According to the director of a shelter in St. Paul, once in school, homeless children are bused back to their home school whenever they move. Nevertheless, she says, there is a continuing problem with immunization and guardianship requirements. A parent or guardian is necessary for a child to enter school.

In St. Paul, the YWCA has set up its own "in-house" immunization center in order to cut through immunization requirements imposed by school districts. This proposal was funded in part by another title of the McKinney Act. The shelter provider said that once the children are immunized, the schools are willing to wait for the transfer of school records and the children are not kept out in the interim.

However, according to a shelter provider which serves Native American children aged 5 through 17, most children have problems having their immunization records transferred between schools and are kept out of school until the transfer is made. In addition, the provider added, transportation is a problem. Children living outside their original school district cannot continue in their original school because transportation is not provided. Also, tutoring is not provided at the shelter, though there is a need for this service.

Legislation is now pending in Minnesota that would allow children to be placed in school before their records arrive.

Missouri

Although most providers report few barriers to enrolling homeless children in school, getting children to school remains a barrier in some parts of the state. According to the director of a legal aid group in St. Louis, children who move outside of their original school district find that transportation to their old school is unavailable.

However, according to an emergency shelter provider in Kansas City, after McKinney, the state changed its policy on school transportation. Buses are provided within a few days to pick-up the children. And until the buses can be scheduled the school sends a cab to get the children. According to the Salvation Army Family Services in St. Louis, schools only agree to provide transportation to the child's previous school if the child still resides in the same county.

Missouri schools also vary in the amount of special services they provide. In Kansas City, the schools are very cooperative and even provide children with clothing and supplies. In St. Louis, a shelter provider reports that the shelters have a school in the summer to help children catch up. However, the legal aid clinic director reports that schools do not provide tutors or remedial education for these children.

The legal aid director has been told by parents who tried to enroll their child in school that they were blocked by residency requirements. But she maintains that paperwork isn't the problem, getting the child to school is. "The school board has kind of grudgingly agreed to enroll the kid.., but there is not much creativity on their part."

New York

Transportation to school is the major barrier in New York for homeless children. The responsibility for getting children to school rests with the parent or with the shelter. This creates problems, as a shelter provider in Rochester

said, "Besides being a burden, it's an inefficient use of the counselors time to have them transporting children to their original school." In one district, the Salvation Army provides the shelter with limitless bus tokens. Only in Syracuse was the school system able to pick children up by mini-bus.

Problems with transportation for homeless children in Buffalo are quite acute. Children can't get to school until the buses are rerouted to take them. This often results in delays of more than a week during which time the children do not attend school. Another provider in Buffalo echoes these sentiments, "It takes weeks to arrange for the proper transportation, and by then the children have usually left. Often the shelter just gives the child money to travel by public bus which is not safe for the child." In Brooklyn, a provider reports that it occasionally takes up to a month for the school to send a bus to get the child who, in the meantime, does not attend school.

Record transfer seems to work well in most areas of New York, but problems remain. In Buffalo, providers report that a particular school district allows transfer of records by phone, but not for homeless children and youth, who need paper records to be admitted.

At another shelter in Buffalo, parents have the option of sending their child to the home school district or to an on-site school, which consists of half-day classes and a tutor afterwards.

The Research Director for Advocates for Children of New York did a study of 427 homeless children and compiled the findings in a report: "Learning in Limbo: The Educational Deprivation of Homeless Children." According to her, in New York City the traditional barriers do not seem to be such a problem. The major problem there is not residency or guardianship requirements but the lack of an adequate and stable shelter environment. The conditions in which the children live are intolerable with little chance for them to study, let alone sleep at night. She adds that the poverty levels are "incredible" and that without adequate health care, the children never even make it to school.

The traditional barriers are more problematic in New York State. Of these, special education programs are one of the greatest barriers. It is difficult to get special education classes for homeless children. Often these children are thrown into regular classes, where they are almost destined to fail. She relates that it is difficult to truly educate them when "these kids get bounced around from one God-awful-filthy shelter to another."

Many parents reported that the lack of school bus transportation meant that their "choice" of school was eliminated. They did not have the time to take their children to and from school each day. The researchers also found a direct correlation between the length of homelessness and the number of times the child had transferred schools. In the area of transportation, the director relates that it is "a shambles" in upstate New York. Also, while record transfer is

technically not a problem, it often keeps children out of school in certain districts.

Her study is a comprehensive study of the education of homeless children in New York. Her overall comments are that: "The McKinney Act is superficial... not strong enough. There is no guarantee that homeless children will be educated and nothing for non-compliance. It's just guidelines with no guarantee."

Oregon

According to the director of the Oregon Shelter Network in North Bend, the treatment of homeless children varies from school district to school district. A 1988 survey was recently updated in December of 1989 with a one night census of shelters. The survey reported the following results:

- 3,199 homeless children are not in school each year.
- Out of 26 programs responding to the survey, only 45% reported that their school districts accepted temporary addresses for purposes of enrolling children in school.
- Out of 31 programs reporting, 53% said that transportation was available for homeless school children in their district.
- Out of 17 programs reporting, 29% reported that health examinations and immunizations pose no barrier for enrollment.

In addition to these barriers, the shelter network director reports that homeless children face a host of other problems in obtaining an education. They frequently lack suitable clothes, are embarrassed about their homelessness and have increased health problems. He adds, homeless children often do not receive adequate support from their parents, or are required to undertake extra responsibilities -- such as caring for younger siblings or serving as translators for parents that interfere with their schooling. Finally, he says, homeless children often do not receive sufficient support from teachers.

Rhode Island

Homeless children in Rhode Island have limited access to special education. They also experience difficulties remaining in the same school they originally were enrolled in if they lived in the same county district. The Rhode Island Department of Education's interpretation of the law is that the child must remain in the district of origin, which is not necessarily the same school. For children needing stability this is not helpful. "I think it is cruel to ship these poor kids around like that," said one provider. Children who are in state custody have huge problems getting an education. These children move around so often that it is nearly impossible to transfer their records.

One provider of legal aid expresses complete frustration with the lack of activity on the part of the State Department of Education. Only one person works on the State Education program, and to date, no regulations have been issued. A

shelter provider reports that DOE sent out a survey to all the schools asking them about homeless children in their schools. When very few responses were returned, DOE interpreted the lack of responses as an indication of no existing problems.

South Carolina

Most shelter providers report few problems getting children into school. Yet some problems remain, especially for homeless families not in a shelter.

In one district, if the children enroll in school with a voucher from the shelter certifying that the children are residents of the shelter, the school will let them in immediately. Although the school cooperates with the shelter, they do not seem to cooperate with parents who desperately need assistance in cutting red tape and filling out forms.

One shelter provider who works with children of migrant workers sends the children to school whenever they come to the shelter. He says, however, that when the children are not at the shelter, they do not attend school.

Another problem arises with children who move outside their original school district. Transportation is not provided for these children. They must transfer to the new school. For children who need stability in their lives, this is very difficult.

South Dakota

There seem to be only a few barriers restricting childrens' access to school in South Dakota, but that could have more to do with lack of information than with actual fact.

An official with the State Department of Education in Pierre reports that she plans to do an additional study of homeless children in the state. But she says it is difficult to find homeless people since "people don't admit they are homeless" due to the obvious stigma attached to homelessness. Shelter providers report that children are admitted to school without immunization records or transcripts from past schools. But in most areas, the parent has the responsibility to obtain all the necessary paperwork within a specified "grace period" in order to keep the child in school. This is often a problem since parents are often busy trying to find work, housing, food, and arranging transportation.

Transporting children to school can be a problem since few shelters have school buses that take children to school. Therefore, the responsibility of transporting children to school becomes the responsibility of the parents or the shelter. One shelter provider in Sioux Falls reports that most children at the shelter were attending school in Sioux Falls before moving into the shelter. The parents or the shelter providers take the responsibility of driving the children to school. Some providers say they actually prefer doing the transporting themselves since according to another shelter provider in Sioux Falls, "we have so few children staying in the shelter at any given time it is easier to take them to

school ourselves." But for shelters that have children staying there on a more regular basis, school buses should be arranged to save parents and shelters the cost and time necessary to drive the children.

Another possible problem is that unless a child is going to be in the area for a substantial length of time the child will not enter school. One shelter has only a few children who come there, most only for five or six days so they do not even enter school. The need to get transient children into schools is great. The tendency to only educate children who are going to settle in South Dakota for some time appears to be a residency requirement in disguise.

Texas

Overall, shelter providers report few problems in getting homeless children to school. It seems that many school districts have a good relationship with the shelters and work closely together. Many on-site schools are staffed by teachers paid for by the school system, and transportation does not appear to be a problem. Yet problems persist.

In Henderson, children who miss more than a certain number of school days automatically fail the semester. Since homeless children move so frequently, they have difficulties in catching up with their classmates.

A shelter provider in San Antonio reports that without an address and a way to prove it, a child cannot attend school. A child must show a rent receipt, gas bill, or telephone bill to prove residency. She also cites a case in which a child living with grandparents could not attend school because the grandparents were unable to prove custody.

In addition, from discussions with service providers it seems that homeless children who are not in shelters experience difficulty enrolling in school without the help of a shelter.

Virginia

Virginia schools seem to be getting homeless children into school without many difficulties. Most providers feel their local schools are very helpful in enrolling homeless children. However, according to the director of the Virginia Coalition for the Homeless, there are problems for homeless children in transferring records, particularly from other states, as well as delays in obtaining birth certificates and immunization delays. But, the director thinks that homeless children are getting into school since no shelter provider has complained to her about problems.

Another shelter provider from Alexandria finds that out-of-state record transfer is the only thing that keeps children from attending school. However, most providers report that records could be verified by phone, allowing the children to begin school immediately.

The Coalition director feels that more resources are available to homeless people in the Northern part of Virginia because there are more shelters. Therefore, more information

is available to homeless people to help them get their children into school.

One shelter provider in Fairfax attended a conference on Virginia families and remembers that many people in the Southern part of the state reported huge difficulties in getting children into school. Many shelters in the South limit families' stay in the shelter to two weeks. The end result is that homeless children are constantly being pulled in and out of schools.

However, a shelter provider in Harrisonburg reports no problems with the school system. There is a free clinic for immunizations, the bus comes to the shelter, and the schools provide breakfast and lunch to the children.

Overall, the Coalition director has a "feeling" that homeless children are not getting into school but no specific "facts" to back up her impressions. This discrepancy may reflect differences in the treatment of sheltered and unsheltered children. Once most parents arrive at a shelter, they receive assistance and advocacy in the enrollment proceedings. For homeless families not living in a shelter, there often is neither time nor comprehension of the paperwork involved in getting a child in school, nor is any record made of such difficulties in entering school.